

14 AUGUST 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1401-D-1	2882		Report of Ambassador NOMURA to Foreign Minister TOYODA on 24 July 1941 of his interview with Presi- dent Roosevelt		25750
1901	2883		Memorandum handed to Ambassador Grew by Foreign Minister TOYODA on 26 July 1941		25752
1401-F-1	2884		Japan's Reply sent by Foreign Minister TOYODA to Ambassador NOMURA on 5 August 1941		25756
1401-G-1	2885		Proposal Foreign Minister TOYODA sent to Ambassador NOMURA on 5 August 1941		25759
1401-H-1	2886		Report of Ambassador NOMURA to Foreign Minister TOYODA re the latest Japanese Proposal to Secretary Hull, dated 6 August 1941		25764
1401-J-1	2887		Instructions sent to Ambassador NOMURA from Foreign Minister TOYODA on 7 August 1941		25772
1401-K-1	2888		Ambassador NOMURA's Account of Meeting of President Roosevelt and Prime Minister Churchill at sea on 17 August, 1941, dated 18 August 1941		25776

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(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1400-K-6	2889		Excerpt from "Foreign Relations of the U.S. Japan: 1931-1941" Vol II - Statement handed by the President of the US to the Japanese Ambassador NOMURA on 17 August 1941		25780
1400-C-8	2890		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Oral Statement handed by President Roose- velt to the Japanese Ambassador NOMURA on 17 August 1941		25782
1400-L-6	2891		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Ambassador in Japan (Grew), dated 18 August 1941		25784
1400-M-6	2892		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - The Ambassador in Japan (Grew) to the Secretary of State, Report dated 18 August 1941		25790
			<u>MORNING RECESS</u>		25792

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<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1401-M-1	2893		Telegram from Ambassador NOMURA to Foreign Minister TOYODA dated 29 August 1941 re Talk he had with Secretary Hull for a Meeting	25794	
1401-N-1	2894		Report of Ambassador NOMURA to his Government re the meeting, dated 3 September 1941	25798	
1401-O-1	2895		Telegram from Foreign Minister TOYODA to Ambassador NOMURA on 4 September 1941	25801	
1400-O-6	2896		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Comment by the Ambassador in Japan (Grew), dated Tokyo, 5 September 1941	25805	
1401-P-1	2897		Telegram of Ambassador NOMURA to Foreign Minister TOYODA, dated 8 September 1941 re War Sentiment in America	25812	
1400-Q-6	2898		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum of a Conversation Between Japanese Ambassador and Secretary of State on 10 September 1941	25814	

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(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
1400-R-6	2899		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Proposed Instructions to the Japanese Ambassador NOMURA, handed by the Japanese Minister for Foreign Affairs (TOYODA) to the American Ambassador in Japan (Grew) on 13 September 1941		25816
1400-B-8	2900		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Counselor of Embassy in Japan (Dooman), dated 18 September 1941		25820
1401-Q-1	2901		Conversation TOYODA had with American Ambassador in Tokyo, reported to Ambassador NOMURA on 22 September 1941		25823
1401-R-1	2902		Report to Ambassador NOMURA from Foreign Minister TOYODA on 23 September 1941 of Explanation given to American Embassy for reasons for Japan's requirement for stationing Troops in China		25827
			<u>NOON RECESS</u>		25830

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EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Def. Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1500-X-5	2903	Excerpts from Pearl Harbour Attack, US Government Printing Office, Washington, 1946: Memoirs of Prince KONOYE - Vol 20		25831
1401-S-1	2904	Report of Foreign Minister TOYODA to Ambassador NOMURA on 27 September 1941 re his meeting with Ambassador Grew to urge him to work for the Roosevelt-KONOYE meeting		25834
1401-T-1	2905	Message from Foreign Minister TOYODA to Ambassador NOMURA, dated 27 September 1941 (referred to in preceding exhibit)		25836
1401-U-1	2906	Telegram of Ambassador NOMURA of 3 October 1941 to Foreign Minister TOYODA		25842
1401-V-1	2907	Report to Ambassador NOMURA from Foreign Minister TOYODA, dated 3 October 1941 re Japanese-American negotiations with the British Ambassador, Sir Robert Craigie		25846
1844	2908	Ambassador Craigie's Report to his Government on conditions in Japan, dated 30 September 1941		25847

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(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
1400-T-6	2909		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Counselor of Embassy in Japan (Dooman), dated Tokyo, 7 October 1941		25852
1400-V-6	2910		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Ambassador in Japan (Grew), dated Tokyo, 8 October 1941 re Con- versation he had with Mr. TERASAKI, Chief of the American Bureau of the Foreign Office		25854
1400-X-6	2911		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Undersecretary of the State (Welles) re Con- versation had with the Japanese Minister in Washington, dated 13 October 1941		25856
1400-Y-6	2912		Excerpt from "Foreign Relations of the US Japan: 1931-1941" Vol II - Memorandum by the Counselor of Embassy in Japan (Dooman) re Resignation of the 3rd KONOYE Cabinet, dated Tokyo, 17 October 1941		25857

14 AUGUST 1947

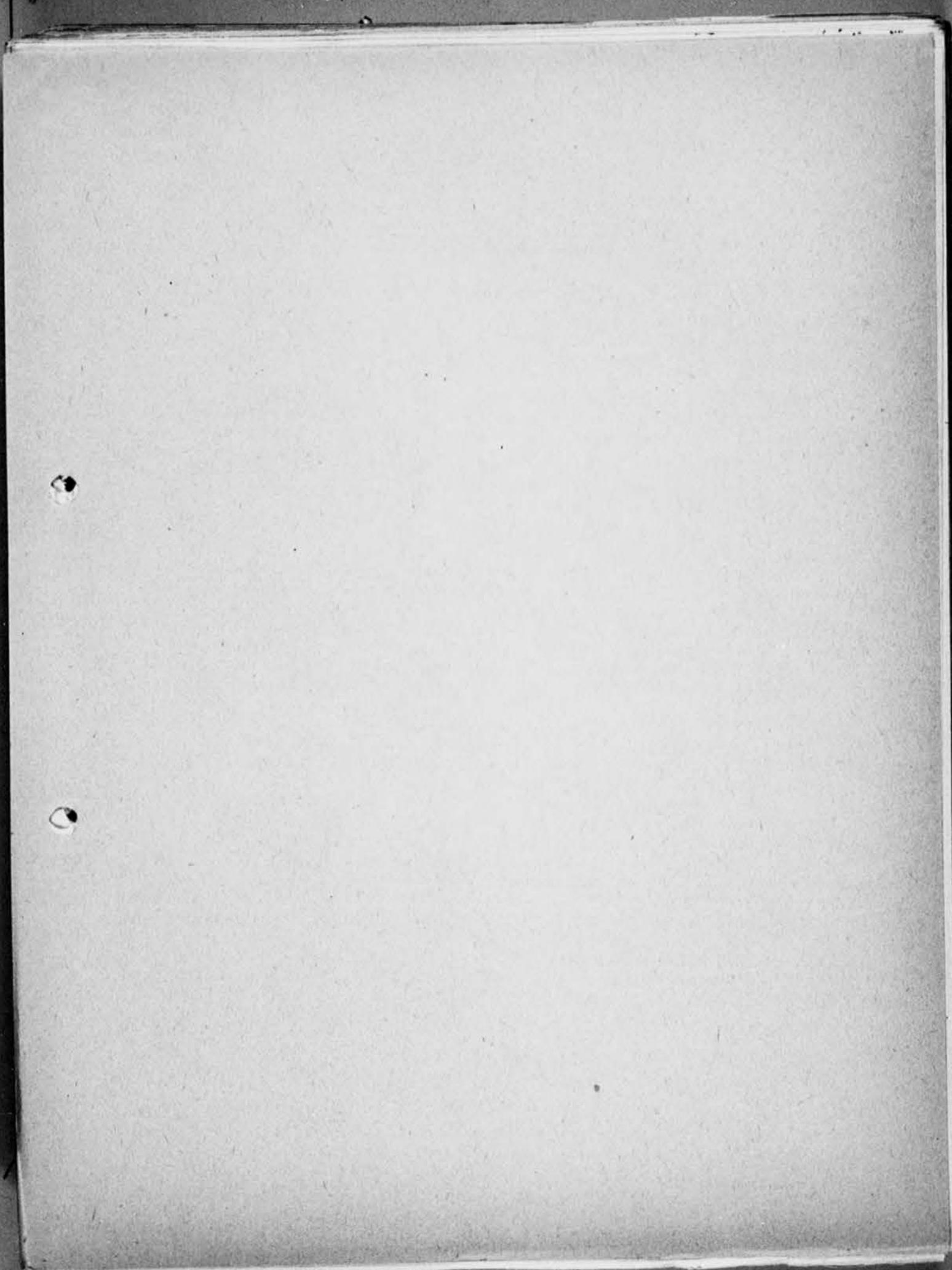
I N D E X

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(cont'd)

<u>Doc.</u>	<u>Def.</u>	<u>Pros.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1500-Y-5	2913		Excerpts from Pearl Harbour Attack - US Government Printing Office, Washington: 1946 - Memoirs of Prince KONOYE - Vol 20		25860
1500-A-6	2914		Excerpt from Pearl Harbour Attack - US Government Printing Office, Washington: 1946 - Memoirs of Prince KONOYE		25868
			<u>AFTERNOON RECESS</u>		25877



LANGUAGE CORRECTIONS

14 August 1947

Exhibit 774-A, Original Exhibit, page 1, line 1, substitute "Dear" for "To Mr.". Paragraph 1, line 1, substitute "it is" for "you have"; after "decided" insert "that you are".

Paragraph 2, line 1, after "long-cherished" insert "and later revised". Line 2, read "views"; delete "revised somewhat later" and "had". Line 4, delete "an"; read "authorities"; substitute "Russia" for "SOVIET UNION".

Page 2, line 1, before "Mr." insert "Dear". Paragraph 1, line 1, substitute "on" for "to".

Page 4, line 3, delete "had". Line 4, substitute "no" for "none in". Line 5, delete "while"; substitute "appear to be" for "are only". Line 6, substitute "moderated" for "neutralized". Line 7, delete from "Notwithstanding" to "seen" and substitute "Foreign views aside"; after "standpoint" insert "the interests". Line 8, substitute "at least very" for "undoubtedly most". Line 18, substitute "outside" for "outer"; substitute "disregarding entirely immediate" for "excluded of the"; delete from "which we" to the end of the sentence.

Paragraph 2, line 4, substitute "legitimate" for "legal". Line 8, substitute "consequently" for "accordingly". Line 10, substitute "activities" for "movements". Line 11, substitute "do not retain any" for "is void of the former"; after "vestige" insert "of the former days". Line 12, substitute "Only a few" for "Few still cling to the". Line 13, substitute "remain, but" for "and". Line 15, after "other" insert "formal"; delete "which are perfunctory". Line 16, after "removed, and" insert "the number of"; delete from "wouldn't" to the end of the sentence and substitute "would not the rest be satisfactory?"

Paragraph 3, line 1, after "should" insert "above all". Line 2, substitute "expelled" for "most expulsed"; after "question" insert "on". Line 3, delete "that". Line 4, delete from "must be" to "with our" and substitute "and".

Page 5, line 1, after "Anglo-Americans" insert "are necessary for the solution of this problem".

Record Page 7,884, line 18, (Orig. Exh. page 6, para 2, line 24) substitute "matter" for "fact". Line 23, (Orig. Exh. lines 27 & 28) substitute "determination" for "resolutions"; after "refusing" insert "even".

Record Page 7,885, line 17, (Orig. Exh. page 7, para 1, line 1) delete from "Now that" to "determination of" and substitute "On the basis that it is determined". Line 18, substitute "to refuse" for "refusing". Line 19, substitute "taken" for "treated". Line 21, (Orig. Exh. line 4) substitute "is the" for "are in a"; delete "position". Line 22, delete from "try" to "weave" and substitute "make any specific". Line 24, (Orig. Exh. line 6) delete "on our side"; substitute "problem" for "trouble".

Original Exhibit, page 7, para 1, line 14, substitute "should be able" for "shall". Line 15, after "fully" insert "to"; substitute "should not have to make many" for "need not make much". Line 16, delete "on the contrary". Line 17, delete "on the question until now".

Exhibit 2233, Record Page 16,017, line 20, substitute "guiding" for "political". Lines 21 & 22, delete from "are" to "Nationalism" and substitute "represents a nearer approach to the spirit in which the Japanese Empire was founded". Line 24, delete "do not". Line 25, substitute "a very inadequate" for "an adequate".

Record Page 16,018, line 1, substitute "of" for "in"; read "Americas". Line 4, substitute "That may be" for "this is". Line 9, read "European and American economic spheres". Line 10, delete "out". Line 11, delete "set up". Line 12, delete from "an ideal" to the end of the sentence and substitute "for our ideal there must be something much grander".

Record Page 16,019, line 13, substitute "presence" for "rule"; after "of" insert "the Imperial Ancestress"; delete "AMATERASU OMIKAMI". Line 15, after "Archipelago" read "and that her" etc. Line 16, substitute "incarnate gods" for "who are the incarnation of God". Line 18, substitute "whole world" for "universe". Line 21, after "united" insert "in one family". Line 22, substitute "All" for "Each"; read "nations"; substitute "their own proper" for "its"; delete "in the Sun". Line 23, after "peace" insert "and security".

Record Page 16,020, line 17, substitute "farsighted" for "philosophical".

Record Page 16,021, lines 9 to 11, delete from "Today" to "come to" and read "Furthermore, I am convinced that, in this sense, now is the time to clarify our national polity, proclaim it before all the world and loudly".

1 Thursday, 14 August 1947
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INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE STUART McDougall,
Member from the Dominion of Canada and HONORABLE
JUSTICE I. M. ZARAYANOV, Member from the USSR., not
sitting from 0930 to 1600.

For the Prosecution, same as before.

For the Defense Section, same as before.

- - -

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFFE.)

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25,743

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: Major Blakeney.

4 MR. BLAKENEY: I return, now, to the memoirs
5 of Prince KONOYE, exhibit 2,866, to read further
6 passages narrating events in Japan from early July,
7 in connection with the Japanese-American negotiations.

8 I commence at the top of page 4 of the exhibit:

9 "With the German-Soviet question settled for
10 the time being, the American question permitted of no
11 more delay. Also, the Foreign Minister's ambiguous
12 attitude could no longer be disregarded. Consequently,
13 on July 4th, purposely using the form of a letter, I
14 transmitted the following views to the Foreign Minister.

15 "1. Until the settlement of the Northern
16 question, armed force should not be used against the
17 Southern regions, and steps should be taken toward
18 readjustment of diplomatic relations with America. Naval
19 leaders clearly state that to fight America and the
20 Soviets simultaneously offers almost insurmountable
21 difficulties. From this point of view it is advisable
22 that the invasion of French Indo-China should, if possible,
23 be abandoned.

25 "2. As a result of the readjustment of
diplomatic relations with America, it would be impossible

1 to satisfy German demands. This might temporarily
2 create an undercurrent of misunderstanding among the
3 Axis countries, but this could not be avoided.

4 "3. Readjustment of American-Japanese relations
5 was also necessary in view of these three points:

6 "a. Expansion of national strength by
7 acquisition of foreign goods.

8 "b. Prevention of American-Soviet rapproche-
9 ment.

10 "c. Acceleration of peace negotiations with
11 Chungking.

12 "4. Not only was it necessary to continue the
13 present negotiations with America, from the above point
14 of view, it was also necessary to bring them to a success-
15 ful conclusion in the light of high national policies.

16 Lastly, I added that 'even though from the Foreign
17 Minister's point of view a compromise between Japan
18 and America might seem impossible, I, who carried the
19 responsibility of vital state affairs, was obliged to do
20 my best. Moreover, the Emperor was seriously concerned
21 about the situation. I, therefore was determined to do
22 my utmost, and would work for the success of negotiations
23 even at the cost of some concessions.'

24 "The Foreign Minister said to me over the
25 telephone that he was profoundly moved by my letter.

1 When he saw me at my official residence the next day,
2 the 5th, the following points were established.

3 "Fundamentally he was of the same mind as I.
4 No matter what public opinion might be, he considered
5 himself to be the most zealous person in respect to the
6 American question. He was certainly not trying to
7 please Germany. However, he was opposed to do anything
8 detrimental to the Tripartite Pact. From that very
9 day he was going to give his entire attention to the
10 American question.' At the same time, he made the
11 significant statement that 'if at any time he became
12 a stumbling-block, he would resign his post.'

13 "Deliberations on the Japanese-American
14 Proposal for Understanding thus began again. Joint
15 conferences were held on July 10th and 12th, which
16 considered the American proposal of June 21st. The
17 special points of this June 21st proposal were as follows:

18 "1. In the item covering the attitudes of
19 the two countries toward the European War, the clause
20 advocated by Japan, which proposed joint efforts of
21 Japan and America for the restoration of peace, was
22 deleted. This suggested by implication a determination
23 to work to the last for the overthrow of Germany.

24 "2. In relation to the Tripartite Pact,
25 America proposed that 'Japan. . . Make clear her intention

1
2 of preventing a spreading of the European War resulting
3 from provocative acts. This seemed to reveal an effort
4 to have Japan make a written promise not to take up
5 arms in the event of America's participation in the war
6 as the result of 'provocation' by Germany.

7 "3. Concerning the China Incident, the
8 distinction made in the first proposal between the
9 Chiang Kai-shek Administration and the Nanking Govern-
10 ment was omitted so as to make the recommendation of
11 peace be to the 'Chinese Government'. Also, although the
12 KONOYE Principles were mentioned, only that part referring
13 to amicable relations were included, and the matter of
14 economic cooperation and a common front against communism
15 was omitted. On the whole this marked a general reversion
16 to a fear of American public opinion.

17 "4. The Sino-Japanese Peace Terms, which Japan
18 had deleted were included in an Annex. The necessity
19 for the establishment of perfect agreement concerning
20 this was indicated.

21 "5. Whereas Japan advocated limiting the
22 economic cooperation of Japan and America to the 'south-
23 west' Pacific, this was revised to cover the entire
24 Pacific.

25 "This June 21st proposal was finally deliberated
upon at the joint conference of July 10th.

1 "However, in spite of my efforts, Foreign
2 Minister MATSUOKA's attitude became increasingly
3 uncooperative. It became clear that his attitude
4 was one of opposition to the Japanese-American
5 negotiations.

6 "At the joint conference on the 12th, the Army
7 and Navy made a joint statement of their opinions. It
8 differed from the Foreign Minister's in that it stated:
9 (1) Japan's attitude toward the European War should
10 be determined according to treaty obligations and the
11 question of self-defense. (2) The three KONOYE Principles
12 should form the basis of dealing with the Chinese question.
13 America might make recommendations as to an armistice
14 and peace, but should not intervene in the peace terms.
15 (3) Japan reserved her right to use armed forces in the
16 Pacific in case of necessity.

17 "On July 17th at 5:10 P.M. I was received in
18 audience by the Emperor at the Imperial Palace and
19 ordered to organise the Cabinet again. Commencing the
20 selection of Cabinet members at once, I completed the
21 task at 5:30 P.M. on the 18th. I reported to the
22 Palace at 7:00 P.M. and presented the names of the
23 Cabinet members. At 8:50 P.M. the newly-organized
24 third KONOYE Cabinet came into existence. The first
25 Cabinet council was held at 9:45 P.M. The special

1 feature of the new Cabinet was the appointment of
2 Admiral TOYODA as Foreign Minister.

3 "The previous Cabinet had done its utmost
4 for the success of the Japanese-American negotiations.
5 Particularly, the Army and Navy had maintained the
6 closest cooperation. The opposition of the Foreign
7 Minister alone had caused the Cabinet's collapse.

8 Unexpectedly, only the Foreign Minister was changed,
9 and actually the identical Cabinet had the opportunity
10 of again taking the stage. (In addition to the Foreign
11 Minister, four Ministers, KANEMITSU, OGAWA, AKITA, and
12 KAWADA had resigned, but essentially it was a matter
13 of Foreign Minister MATSUOKA's being changed.) Thus,
14 the mission assigned to the new Cabinet was clear to
15 everyone.

16 "It should be noted particularly that the Army
17 and Navy Ministers remained in office, and that the
18 important post of Foreign Minister was occupied by a
19 representative of the Navy, which was most concerned
20 with the American question, and hence had a significant
21 voice in the matter. The Cabinet was given the additional
22 privilege of holding joint conferences with the Supreme
23 Command in the Imperial Palace, and launched immediately
24 upon the attainment of its objectives, the solution
25 of Japanese-American problems.

1 "However, the significance of this very
2 obvious political change was not clearly grasped
3 by Ambassador NOMURA in Washington. Because the
4 Ambassador himself failed to understand it, almost
5 nothing was done to convey its significance to the
6 Americans. To the Tokyo Government, which had expected
7 that a good impression would be made by the establishment
8 of the new Cabinet, and that negotiations would progress
9 swiftly now that the vague atmosphere had been dis-
10 pelled, this situation was truly mortifying.

11 "The previous Cabinet in its last days had
12 drawn up with great pains a Japanese counter-proposal
13 to the American proposal of June 21st, and on July 25th",
14 which is a typographical error. On the original it's
15 "July 15." -- "and on July 15th had dispatched it by
16 cable. In spite of this, the Embassy at Washington had
17 not yet presented it to the Americans, first because
18 of the change in Cabinets, second, because of fear that
19 its contents might not be acceptable to the Americans.
20 This was made clear in a cable from Ambassador NOMURA
21 on July 22nd. In addition to all that, Ambassador
22 NOMURA on July 23rd, requested that he be informed of
23 the new Cabinet's policy toward America."

24 At that point I stop for the time being reading
25 from this document.

1 Next to be offered in evidence is Ambassador's
2 report to Foreign Minister TOYODA, on 24 July, of his
3 interview with President Roosevelt of the same day,
4 defense document No. 1401-D-1.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document 1400-D-1
7 will receive exhibit No. 2882.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 2882 and received in evidence.)

11 MR. BLAKENEY: I read the document for the
12 purpose especially of showing that the United States
13 had at the time determined upon the imposition of the
14 economic rupture even at the risk of war:

15 "From NOMURA to TOYODA

16 "24 July 1941

17 "Feeling keenly the strained situation, I
18 asked the Chief of Naval Operations yesterday, the 23rd,
19 when we two had lunch alone, to use his good offices to
20 arrange a meeting between the President and myself. I
21 met the President in private at 5:00 PM on the 24th. I
22 dwelt, in accordance with your instructions, upon the
23 reasons why our advance into French Indo-China was
24 inevitable for Japan's economic existence as well as
25 for the stabilization of that area, and also upon the

1 resolution of the Japanese Government to respect
2 territorial integrity and sovereignty. I further
3 informed him that the present Cabinet also is eager for
4 understanding between Japan and the United States, and
5 urged him to give the matter statesmanlike consideration
6 from a broad viewpoint with a view to maintaining
7 the peace of the Pacific. The President hinted at the
8 possibility of an oil embargo, saying that, in spite
9 of the strong public sentiment for placing an embargo
10 on the export of petroleum to Japan, he had kept it in
11 check on the ground that it was not desirable for the
12 peace of the Pacific, but that now he has lost his
13 justification. As to Japan's advance into French
14 Indo-China, it seems that it is already now too late,
15 inasmuch as he made the views of the American Government
16 clear by reiterating the main points of the statement of
17 the State Department of the 24th. After inquiring of me
18 if I had consulted in advance with the State Department,
19 he stated that he would not hesitate to make efforts
20 if there were a way by which the troops now stationed
21 in French Indo-China might be withdrawn, the neutrality
22 of the area guaranteed (as in the case of Switzerland),
23 and its resources obtained by the Powers freely and
24 equitably. Besides, he told me he had deep sympathy for
25 Japan in obtaining resources. In fine, I got the

1 impression that some measures of economic pressure
2 will be taken in the near future. Under-secretary
3 of State Welles and the Chief of Naval Operations
4 were present."

5 On 26 July in Tokyo the new Foreign Minister,
6 Admiral TOYODA, had a conversation, chiefly on the
7 subject of the agreement for joint defense of Indo-
8 China, with Ambassador Grew, the record of which is in
9 evidence as exhibit 2,754. At that time the Foreign
10 Minister handed to the Ambassador a memorandum pointing
11 out that Japan was concerned over what was deemed to
12 be an encirclement of Indo-China. The memorandum is
13 offered in evidence as defense document 1901.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 1901
16 will receive exhibit No. 2883.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 2883 and received in evidence.)

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1 MR. BLAKENEY: I read the memorandum:
2 "Memorandum Handed to Ambassador Grew by
3 Foreign Minister Toyoda on 26 July 1941.

4 "In my solicitude for friendly relations be-
5 tween Japan and the United States, I revealed frankly
6 to you yesterday evening, prior to its announcement
7 to the public, the views of the Japanese Government
8 concerning the joint defense of French Indo-China
9 undertaken by Japan and France, and requested the
10 consideration thereof on the part of the American
11 Government. I have asked you again to call on me,
12 as I believed, in view of the matters appearing
13 recently in American newspapers and reports, that to
14 make a frank statement of the views of the Japanese
15 Government repeatedly is the only way to prevent
16 further aggravation of the situation.

17 "Whereas the statement of the American
18 Under-Secretary of State of 24 July dealt with
19 general principles, I venture to declare that the
20 situation in which Japan now finds herself is, in the
21 light of the serious state of affairs within and out-
22 side the country, closely connected with the very
23 existence of Japan herself.
24

25 "If Japan had had an intention of advancing southward with territorial ambitions, she could have

1 carried out the intention at any time she liked,
2 without enduring the conversations with the Nether-
3 lands East Indies which lasted for six months. That
4 she did not venture to take such a step, and even
5 tolerated the failure of those conversations, was
6 simply because she had a sincere desire of main-
7 taining the peace of the Pacific. I expect that you
8 are fully aware that the Japanese advance into north-
9 ern French Indo-China was requisite for carrying
10 through the China Affair. Nevertheless, we per-
11 ceived through various reports which we had obtained
12 an 'encircling' of French Indo-China, constituting
13 a menace to that area, which is indispensable in
14 prosecuting the China Affair and in securing the
15 necessary resources. It was against such a menace
16 that Japan undertook the joint defense of French
17 Indo-China.

18 "The present step is only a 'precautionary
19 measure,' as explained above, which both Japan and
20 French Indo-China were compelled to take for the
21 sake of defence, and I reassure you that, as I told
22 you last evening, it has no offensive significance,
23 either against French Indo-China itself or against
24 the areas adjacent thereto. Besides, I firmly be-
25 lieve that the general peace of the Pacific can be

1 maintained through, and only through, such measures.

2 "Should any provocative attitude or any
3 concrete step be taken against such measures of
4 joint defence which Japan as well as French Indo-
5 China were compelled to take for the sake of their
6 self-defence, on the exclusively theoretical ground
7 that it contradicts general doctrinarian principles
8 which the American Government embraces, the Japanese
9 Government may not be able, it is feared, in spite
10 of all its efforts (which have succeeded in suppress-
11 ing them thus far) to suppress an outburst of the
12 national feeling which has unfortunately received
13 an extremely strong impetus from the attitude which
14 the American Government has taken in connection with
15 its aid to the Chiang Kai-shek regime. In such a
16 case, there is a danger that Japan would be forced
17 to take some counter-measures, to the destruction of
18 all the hopes of myself as well as the present Cab-
19 inet to prevent by all possible efforts the coming
20 about of such a situation. This would be much to be
21 dreaded, indeed, for the maintenance of friendly re-
22 lations between Japan and the United States and the
23 peace of the Pacific. It is cordially requested there-
24 fore that Your Excellency as well as your Government
25 give prudent and general consideration thereto."

1 Japan's reply to President Roosevelt's
2 suggestion made to Ambassador NOMURA was sent by the
3 Foreign Minister on 5 August. I offer in evidence
4 now defense document 1401-F-1, the telegram of ex-
5 planation of the reply.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document
8 1401-F-1 will receive exhibit No. 2884.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 2884 and received in evidence.)

12 MR. BLAKENEY: I read the telegram:
13 "From TOYODA to NOMURA
14 "5 August 1941

15 "1. While the Japanese Government is manag-
16 ing Japanese-American diplomacy in spite of various
17 domestic difficulties, the President and the Secre-
18 tary of State are, according to your repeated reports,
19 taking a calm and sympathetic attitude toward Japan
20 in spite of the trend of public opinion in the United
21 States. There are, however, not a few in Japan who
22 urge that the United States is increasingly strength-
23 ening her economic pressure upon Japan. The YOMIURI
24 special dispatch from Washington on 2 August, for in-
25 stance, reported that the President of the United

1 States had laid an embargo or an extreme limitation
2 on the export of various petroleum products and that
3 even the licenses already issued had consequently all
4 been cancelled. The telegram, irrespective of the
5 truth of the report of the actual extent of the
6 measures taken, is being made much of by the extrem-
7 ists, with a serious influence upon the general
8 situation.

9 "2. It is absurd to think that Japanese
10 national opinion could be intimidated through tight-
11 ening of the so-called encirclement of Japan or
12 strengthening of economic pressure. The result would,
13 in the light of our national character, be just the
14 reverse. Moreover, it would surely be utilized as
15 fine material by our bellicose elements, as is
16 demonstrated in the above instance, and the situation
17 might consequently hasten in a direction contrary to
18 the adjustment of Japanese-American relations.

19 "3. It is recognized that Japanese-American
20 relations are now confronted with a very serious and
21 delicate crisis. If, at this juncture, the United
22 States thinks over the consideration and restraint of
23 the Japanese Government, and especially its sincerity
24 shown recently in the spontaneous suspension of bomb-
25 ing of Chungking, and if she really wishes adjustment

1 of relations between Japan and the United States,
2 which are two equal powers of the Pacific, it is de-
3 sirable at the moment that she should promptly with-
4 draw or alleviate to the utmost such measures as are
5 regarded as economic pressure upon Japan, so that ad-
6 justment of the relations between the two countries
7 can be conducted in as friendly and calm an atmosphere
8 as possible and that no such misunderstanding be
9 caused within and without the country as that Japan
10 carried on the negotiations under pressure. That
11 Japan is ready to reciprocate is clearly demonstrated
12 by the statement of the Finance Minister the other
13 day.

14 "4. The Japanese Government is making the
15 proposal contained in the separate telegram in accord-
16 ance with the desire for adjustment of Japanese-
17 American relations which has been harbored since the
18 time of the preceding cabinet.

19 "The present proposal is to be the reply to
20 the proposal of the President of the United States on
21 the 24th, and has been decided upon after careful de-
22 liberation, taking fully into consideration the views
23 of the two countries. You should bear this in mind
24 and impress it upon the President and Secretary of
25 State, and call their attention to the importance of

1 the matter.

2 "5. Although the present proposal consti-
3 tutes in form, as stated before, a reply to the pro-
4 posal of the President of the United States, it is
5 expected that it will be absorbed into the entire
6 framework of the admustment of the Japanese-American
7 relations, because it is our intention to make it
8 the means of resumption of the Japanese-American
9 negotiations which were suspended after the advance
10 into southern French Indo-China which was executed
11 while the presentation of our revised proposal of
12 14 July had been delayed. You are directed, there-
13 fore, to understand this instruction fully and to
14 convey the separate telegram without delay."

15 On the same day, 5 August, Foreign Minister
16 TOYODA sent to Ambassador NOMURA the proposal to be
17 handed to the United States. This proposal is con-
18 tained, together with the explanation to be given to
19 the United States, in defense document 1401-G-1, which
20 is now offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1401-G-1
23 will receive exhibit No. 2885.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 2885 and received in evidence.)

MR. BLAKENEY: I read the exhibit:

"From TOYODA to NOMURA

"5 August 1941

"(I) Explanation. (The explanation should be given orally, and not in writing.)

"The significance and nature of the measures taken by the Government of Japan for the common defence of French Indo-China have been made clear by the exhaustive explanations of the Japanese Foreign Minister and the Japanese Ambassador to the United States. In short, they are peaceful and defensive measures which a third Power has no need to intervene in. They are, moreover, necessary for preventing an explosion of anti-foreign views, in view of the provocation of public opinion by the recent trend of the policy of Great Britain, the United States, the Netherlands East Indies, etc., toward Japan, and eventually for preserving the peace of the Pacific from rupture.

21 "The following proposal will be made because
22 the Government of the United States might possibly be
23 unable to shake off a sense of uneasiness, notwithstanding
24 the above explanation. And, as to the proposal,
25 conversations will be started immediately --
off the record and confidentially, in consideration

1 of the present situation -- and when an agreement is
2 reached, it will promptly be taken into the framework
3 of adjustment of diplomatic relations between Japan
4 and the United States for which negotiations have
5 been conducted for some time past.

6 "At any rate, we are convinced that the
7 Government of the United States will agree to the
8 views of the Japanese Government that it is necessary
9 to examine, with sympathy and calmness, the various
10 causes which have produced the present tense relations
11 between the two countries, and to try to improve the
12 situation or eliminate the causes which might lead
13 up to disquietude of military, economic and political
14 nature.

15 "(II) The Proposal.

16 "1. The Japanese Government undertakes:

17 "(A) that, in order to remove such causes
18 as might constitute a menace of a military character
19 to the United States, it will not further station its
20 troops in the southwestern Pacific areas except French
21 Indo-China and that the Japanese troops now stationed
22 in French Indo-China will be withdrawn forthwith on
23 the settlement of the China Incident, and

24 "(B) that, in order to remove such causes
25 as might constitute a menace of political and military

1 character to the Philippine Islands, the Japanese
2 Government will guarantee the neutrality of the
3 islands at an opportune time on the condition that
4 Japan and Japanese subjects will not be placed in
5 any discriminatory positions as compared with other
6 countries and their nationals including the United
7 States and its nationals, and

8 "(C) that, in order to remove such causes
9 as might be responsible for the instability of the
10 economic relations between Japan and the United States
11 in East Asia, the Japanese Government will cooperate
12 with the Government of the United States in the pro-
13 duction and procurement of such natural resources as
14 are required by the United States.

15 "2. The Government of the United States
16 undertakes:

17 "(A) that, in order to remove such causes
18 as might constitute a direct menace of military
19 character of Japan," it should be, "to Japan or to
20 her international communication, the Government of
21 the United States will suspend its military measures
22 in the South Pacific areas, and also that, upon a
23 successful conclusion of the present conversations,
24 it will advise the Governments of Great Britain and
25 of the Netherlands to take similar steps, and

1 "(B) that, in order to remove such causes
2 as might be responsible for military, political and
3 economic friction between Japan and the United States,
4 the Government of the United States will cooperate
5 with the Japanese Government in the production and
6 procurement of natural resources as are required by
7 Japan in the Southwestern Pacific areas, especially
8 in the Netherlands East Indies, and in the solution
9 of the pending issues between Japan and the Nether-
10 lands, and

11 "(C) that, in conjunction with the measures
12 as set forth in (B) above, the Government of the
13 United States will take steps necessary for restoring
14 the normal relations of trade and commerce which have
15 hitherto existed between Japan and the United States,
16 and

17 "(D) that, in view of the undertaking by the
18 Japanese Government as set forth in 1.(A) above, the
19 Government of the United States will use its good
20 offices for the initiation of direct negotiations be-
21 tween the Japanese Government and the Chiang Kai-shek
22 regime for the purpose of a speedy settlement of the
23 China Incidents, and that the Government of the United
24 States will recognize a special status of Japan in
25 French Indo-China even after the withdrawal of the

1 Japanese troops from that area.

2 "(III) Publication:

3 "(At the beginning of the negotiations, the
4 point should be made clear orally.)

5 "The present negotiations will be conducted
6 in secrecy, as explained above. However, in case it
7 is considered desirable, from the general viewpoint,
8 to publish a part or the whole progress of them,
9 official announcement will be made after agreement
10 upon time, contents, form, etc."

11 On 6 August, he reported, the Ambassador
12 presented the latest Japanese proposal to Secretary
13 Hull, and the Secretary's reaction was described in
14 the report of the Ambassador to the Foreign Minister,
15 defense document 1401-H-1, which is offered in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document
18 1401-H-1 will receive exhibit No. 2886.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2886 and received in evidence.)

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1 MAJOR BLAKENEY: I read the telegram:

2 "From Nomura to Toyoda, 6 August 1941.

3 "I called on Secretary of State Hull in
4 the late afternoon of 6 August, and conveyed the pro-
5 posal of (II) of your telegram No. 448, after giving
6 a detailed explanation of (I) thereof in accordance
7 with your repeated instructions including the
8 telegram referred to. (The proposal was handed to
9 the Secretary of State in writing, in accordance
10 with separate telegram No. 660.)

11 "Hull promised to give an answer after full
12 study shall have been made, and did not seem much
13 interested in our proposal at the moment. Then he
14 gave his opinion in detail on the present relations
15 between Japan and the United States, saying that he
16 was going to express his personal sentiments apart
17 from the present proposal. He said that, laying
18 aside the relation between the Secretary of State
19 and myself, he could but be deeply disappointed to
20 see the successive moves of Japan. He declared that,
21 so long as Japan holds to the policy of conquest by
22 force, there is no room left for negotiations; and
23 that, so long as the government authorities of Japan
24 call American actions the encirclement of Japan, he
25 can expect nothing from Japan. ('I can expect nothing

1 from you'). He added that, while Americans want to
2 live in peace and quiet, Hitler would smash whatever
3 stands in his way, under pretence of self-defense,
4 and he talked as if he regarded Japan as one of
5 Hitler's kind.

6 "Judging from the impression I received today,
7 it seems utterly impossible now by any explanation
8 to bring the authorities of the American Government
9 to understand the true intention of Japan, and it
10 was clearly perceived that the United States is
11 already determined to face any situation that may
12 be brought about."

13 I return once again to the KONOUE Memoirs,
14 and read the remainder of Exhibit No. 2866, commen-
15 cing with page 6, last paragraph, in connection with
16 the Premier's proposal for a personal meeting with
17 President Roosevelt:

18 "During this time, I was considering every
19 means by which to surmount the Japanese-American
20 crisis. Finally, I made up my mind to personally
21 meet with the President, and on the evening of
22 August 4th, I told both the Ministers of War and of
23 Navy about this for the first time. My words were
24 as follows:

25 "1. The President of the United States

1 has gone so far as to say that he "wishes to leave
2 nothing undone," and it is our duty, I believe, to
3 do everything that can be done. Behind the conver-
4 sations which have been held between Japan and
5 America to date, there have been various misunderstand-
6 ings and differences of sentiment, and it seems that
7 the real intentions of each are not thoroughly under-
8 stood by the other. For a statesman to allow matters
9 to develop in this manner into war could not be just-
10 ified when viewed in the light of world peace. He
11 would not be fulfilling his duties to the Emperor,
12 who views Japanese-American relations with particular
13 anxiety, nor to the people. If all that could be
14 done had been done and still there is war, there can
15 be no help for it. In such an eventuality, our minds
16 can be made up, and the people's will determined. Al-
17 though outwardly Chamberlain of England appeared to
18 have been deceived by Hitler on his several trips
19 to the Continent prior to the European War, it is
20 believed that they were effective from the standpoint
21 of solidifying the determination of the British people.

22 "2. In this most critical period, it is feared
23 that the opportune moment might be missed if negotia-
24 tions are carried on through Ambassador NOMURA. The
25 Prime Minister should meet personally with the Pres-

1 ident and express straightforwardly and boldly the
2 true intentions of the Empire. If the President
3 still does not understand, I shall, of course, be
4 fully prepared to break off the talks and return home.
5 It is, therefore, an undertaking which must be carried
6 out while being fully prepared for war against America.
7 If, after a direct meeting with the President, an un-
8 derstanding cannot be obtained, the people will know
9 that a Japanese-American war could not be avoided.
10 This would aid in consolidating their determination.
11 The world in general, also, would be made aware that
12 the primary factor is not aggression and invasion. It
13 will know that great efforts were made in behalf of
14 maintaining peace in the Pacific. This would be
15 advantageous to us in that the unfavorable trend of
16 the world's public opinion would be somewhat eased.

17 "3. Since the matter of the President's
18 coming to Honolulu has already been brought up in
19 the first Proposal for Understanding, I do not believe
20 that having it materialize is an impossibility. It
21 is not necessary to assume from the start that the
22 conversations will fail. Japan will insist, of course,
23 on the firm establishment of the Greater East Asia
24 Co-Prosperity Sphere. American claims will be based
25 on the provisions of the Nine-Power Pact. The con-

1 tents of these are at odds with each other. However
2 America has stated that "it is ready at any time to
3 discuss making revisions to the Nine-Power Pact through
4 legal means." Japan's ideal, of course, is to bring
5 about the firm establishment of the Greater East Asia
6 Co-Prosperity Sphere. In view of the national poten-
7 tial it is too much to expect this ideal to be fulfill-
8 ed at once. Therefore, I do not believe that Japanese-
9 American talks are an impossibility if they are carri-
10 ed out with broadmindedness.

11 "14. This conference must be held soon.
12 The outlook of the German-Soviet war indicates that
13 the peak will become apparent in about September.
14 If, as people in some circles predict today, a stale-
15 mate is brought about, Germany's future cannot be
16 viewed with optimism. If that does happen, the
17 American attitude will stiffen and she will no longer
18 entertain the thought of talking with Japan. On the
19 other hand, even if the German-Soviet war develops
20 favorably for Germany, this conference would not
21 necessarily bring about unfavorable results for Japan.
22 Even if Germany's attitude toward Japan becomes cool,
23 since there is no chance of a German conquest of the
24 world or of a complete victory over Britain and America,
25 there are many ways in which Japanese-German relations

1 can be altered. Therefore, we need not feel much
2 anxiety because of favorable developments for Germany
3 in the German-Soviet War. On the contrary, in consid-
4 eration of possibly unfavorable developments for
5 Germany, it is of the utmost urgency that we reach
6 an accord with America without a day's delay.

7 "15. But the problem is not merely to come
8 to any agreement with America. The urgency, of course,
9 must not force us to strike a submissive attitude.
10 In other words, we shall do everything that can be
11 done, and then if success is not attained, there is
12 no help for it. It is my opinion that to do every-
13 thing that should be done is absolutely essential from
14 a diplomatic as well as from a domestic standpoint.'

15 "Both the War and Navy Ministers listened
16 to me intently. Neither could give me an immediate
17 reply but before the day was over the Navy expressed
18 complete accord and, moreover, anticipated the success
19 of the conference. The War Minister's reply came in
20 writing as follows:

21 "1If the Prime Minister were to personally
22 meet with the President of the United States, the
23 existing diplomatic relations of the Empire, which are
24 based on the Tripartite Pact, would unavoidably be
25 weakened. At the same time, a considerable domestic

1 stir would undoubtedly be created. For these reasons,
2 the meeting is not considered a suitable move. The
3 attempt to surmount the present critical situation
4 by the Prime Minister's offering his personal services,
5 is viewed with sincere respect and admiration. If,
6 therefore, it is the Prime Minister's intention to
7 attend such a meeting with determination to firmly
8 support the basic principles embodied in the Empire's
9 Revised Plan to the "N"-Plan and to carry out a war
10 against America if the President of the United States
11 still fails to comprehend the true intentions of the
12 Empire even after this final effort is made, the army
13 is not necessarily in disagreement.

14 "However, (1) it is not in favor of the
15 meeting if, after making preliminary investigations
16 it is learned that the meeting will be with someone
17 other than the President, such as Secretary Hull or
18 one in a lesser capacity. (2) You shall not resign
19 your post as a result of the meeting on the grounds
20 that it was a failure; rather you shall be prepared
21 to assume leadership in the war against America."

22 "The War Minister was of the opinion that
23 'failure of this meeting is the greater likelihood.'
24 After considering the matter from all angles, the
25 Foreign Minister concluded that 'matters should be

1 carried out expeditiously.' On the morning of the 6th,
2 immediately after the joint conference, I was granted
3 an audience, and I conveyed my intentions to the Emp-
4 eror. During the afternoon of the 7th I was summoned
5 to his presence and was advised: 'I am in receipt of
6 intelligence from the Navy pertaining to a general oil
7 embargo against Japan by America. In view of this, the
8 meeting with the President should take place as soon as
9 possible.' Instructions were despatched to Ambassador
10 NOMURA during the morning of the 7th."

11 MAJOR BLAKENEY: These instructions sent to Am-
12 bassador NOMURA concerning the proposal for the meeting
13 are offered in evidence as defense document 1401-J-1.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 1401-J-1
16 will receive Exhibit Number 2887.

17 (Whereupon the document above re-
18 ferred to was marked Exhibit No. 2887 and
19 received in evidence.)

20 MAJOR BLAKENEY: I read the telegram:

21 "From TOYODA to NOMURA. 7 August 1941.

22 "(1) You are well aware, through our repeat-
23 ed telegrams, of the earnest intention of the KONOUE
24 Cabinet, harbored since the time of the preceding
25 Cabinet, to adjust the diplomatic relations between
Japan and the United States. Nevertheless, relations

1 between the two countries are at present in such
2 an extraordinarily strained condition, owing to
3 misunderstanding existing between them and also
4 to third-power activities, that we can no longer
5 afford to leave the situation as it is now. The
6 only possible way to tide over the present crisis
7 is, it is believed, for the responsible heads of
8 the two Governments to meet personally, and lay bare
9 their hearts to study the possibility of saving the
10 situation.

11 "(2) In accordance with that view, and
12 in consideration of the fact that the first proposal
13 of the Government of the United States included an
14 offer of similar import, Premier KONO is disposed
15 to take a trip in person as far as Honolulu to meet
16 President Roosevelt, provided that the United States
17 consents to it. It is desired, therefore, that you
18 emphasize that the present attempt is based upon a
19 sincere desire on the part of the Japanese Govern-
20 ment to maintain peace in the Pacific, and sound
21 out the response of the Government of the United
22 States.

23 "(3) In case the Government of the United
24 States appears to hesitate to accept our offer on
25 account of our troop movement into French Indo-China

1 and of the news of the strengthening of Japanese
2 forces in the north (this is possible in the light
3 of your telegram No. 649), you will stress these
4 points: (a) that it is a resolution of unprecedented
5 importance on the part of the Japanese Government
6 that, in view of the serious situation, the Premier
7 should personally attend the meeting, and (b) that
8 it is a duty owed by both Governments to their
9 respective nations that they should make every pos-
10 sible effort for maintaining peace in the Pacific.

11 "(4) When the consent of the Government
12 of the United States shall have been obtained, an
13 immediate report will be expected regarding the
14 date that suits the President, it being considered
15 necessary, in light of the present situation, that
16 the conversations start at the earliest possible
17 date. As for the agenda, it will be deliberated
18 upon, as occasion demands. But it is the desire
19 of the Japanese Government that the general conver-
20 sations be on the line of the plan now under consid-
21 eration for the adjustment of Japanese-American
22 relations. It is hoped further that, both the
23 Premier and the President being pressed by business,
24 the term of the conversations may be so arranged
25 that it will not exceed a few days, and that, from

1 practical considerations, the delegation of each
2 country may consist of not too many members.

3 "(5) Absolute secrecy must be preserved
4 as to the present matter, in view of its import-
5 ance, until it is settled, and it is requested
6 that you in person will convey our proposal to
7 the President or to the Secretary of State. How-
8 ever, as it is considered proper to publish it
9 promptly when it shall have been settled, provid-
10 ed that the President has no objection, we expect
11 to announce it officially after due consideration
12 concerning the date and other details, and we shall
13 entrust to you the making of suitable advance arrange-
14 ments on these points. In order to maintain secrecy
15 we intend not to inform the American Ambassador in
16 Tokyo of this proposal for the time being. This
17 is for your information."

1 Ambassador NOMURA met President Roosevelt on
2 17 August, after the latter's return from the meet-
3 ing at sea with Prime Minister Churchill. The Am-
4 bassador's account of this meeting is contained in
5 defense document 1401-K-1, his telegram to the Foreign
6 Minister, which is now offered in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 1401-K-1
9 will receive exhibit No. 2888.

10 (Whereupon, the document above referred
11 to was marked defense exhibit 2888 and received
12 in evidence.)

13 MR. BLAKENEY: The telegram is as follows:

14 "From NOMURA to TOYODA

15 " 18 August 1941

16 "I met the President in secret at 4:30 p. m.
17 on the 17th (Sunday), the Secretary of State being
18 present. The President spoke about the days he had
19 spent at sea, telling me that the climate was favor-
20 able and that it was seldom foggy, and that everything
21 had progressed satisfactorily. He sailed in his yacht
22 to the warship, and the place of meeting was, it seems,
23 off the coast of Maine.

24 "We proceeded to business. The President
25 said, with a paper in his hand, that, whereas he, the

1 Secretary of State and myself are eager for the peace
2 of the Pacific, others are not, as if suggesting
3 that there are many advocates of war. As I told him
4 in reply that there are many among the third Powers
5 who earnestly desire war in the Pacific, he immediate-
6 ly affirmed it, declaring that, although Britain as
7 well as the United States, and probably the Soviet
8 Union too, are eager for the peace of the Pacific,
9 there is a country which does not wish it, and that it
10 is one which has no warship in the Pacific. He even
11 used the words 'our German friend.' Pointing out that
12 he and the Secretary of State as well as myself are
13 not diplomats by career, the President suggested that
14 we might act without regard to diplomatic practice.
15 He then read aloud in a clear voice the note I have
16 conveyed to you by my telegram No. 707, telling me
17 emphatically that this is not a diplomatic document
18 nor an aide-memoire but a note of what he wants to con-
19 vey. He added that though he did not like to state
20 such a thing, it might be better to make the matter
21 clear.

22
23 "I stated, in accordance with your successive
24 instructions, that the Japanese Government is sincere
25 in the desire of adjusting diplomatic relations
 between Japan and the United States, that the Japanese

1 Government desires to know whether the President
2 will meet Prince KONO: that the conversation between
3 the two heads should proceed along the lines of the
4 unofficial conversations which we have been having
5 for the past several months; that, in connection with
6 the French Indo-China question, we have conveyed
7 the views of the Japanese Government to the Secre-
8 tary of State; that Prince KONO is ready to make an
9 exchange of views with an eye to the general peace of
10 the world; that, while expecting high statesmanship
11 from the government of the United States, Japan is
12 believed ready to reciprocate. In conclusion
13 I stated that everything depends, after all, upon the
14 statesmanship of the President. The President listened
15 intently and replied, with the note of the telegram
16 No. 708 in his hand, that it is difficult for geo-
17 graphical reasons to go as far as Honolulu, as he is
18 forbidden to travel by aeroplane.

19 "He said that the Japanese Premier would find
20 it difficult to come to San Francisco or to Seattle,
21 and suggested Juneau. (The place is in Alaska. I
22 think he mentioned Sitka, but it is not certain.)
23 He asked me how many days it takes to go to Juneau from
24 Japan, and I answered that it will take about ten
25 days. He inquired again about climatic conditions
 there around the middle of October, so I replied that

1 they would be all right until that time or there-
2 abouts.

3 "He said that he had amended the note a
4 little for the reasons above described, and explained,
5 before reading out the note, that the removal of the
6 word 'President' from the original draft was solely
7 because of the geographical difficulty. He declared
8 then that he is by no means pleased at the present
9 'closed door' policy, but that it is being taken against
10 his will in response to action on the part of Japan.
11 It therefore depends entirely upon the attitude of
12 Japan whether the closed door shall be opened, he
13 said, and now it is Japan's turn. After the discussion
14 about French Indo-China, the Acting Secretary of State
15 called our attention to the fact that Thailand had
16 been added there. The President was very polite and
17 cordial throughout the conversation, and received us
18 with tactful manner. (The success of the recent
19 conversation with Churchill... words missing...
20 Wilson's Fourteen Points were enunciated by the
21 Government of the United States alone. But this time
22 the United States has succeeded in persuading Britain
23 to participate in a joint declaration of 'peace terms.'
24 There is no doubt that he is pleased with the people's
25 support thereof. Moreover, he had just spent more
than ten days on the sea, which he likes so much, and

1 he seemed in an especially good humor.) The Secretary
2 of State said, on parting, that he would be glad to
3 see me at any time. As regards the China problem, we
4 left it untouched today, to be discussed separately.

5 "In the course of the conversation, the
6 President mentioned the name of Mr. Walker, the Post-
7 master-General. His constant efforts for the promo-
8 tion of friendly relations between Japan and the United
9 States are much to be appreciated, and it is to his
10 good offices that we may probably owe the prompt
11 realization of the present interview. My opinion in
12 this connection will be submitted separately."

13 Of the two documents mentioned by Ambassador
14 NOMURA in the preceding telegram as having been handed
15 to him by the President, we offer excerpts pertinent
16 to the present purpose. First of these appears as
17 defense document 1400-K-6, which is offered in evi-
18 dence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Defense document 1400-K-6
21 will receive exhibit No. 2889.

22 (Whereupon, the document above referred
23 to was marked defense exhibit 2889 and received
24 in evidence.)

25 MR. BLAKENEY: I read the excerpt, calling
attention to the fact that in this document the Presi-

1 dent invited the resumption of negotiations which had
2 been suspended in July.

3 "Statement Handed by President Roosevelt to
4 the Japanese Ambassador (NOMURA) on August 17, 1941.

5 "Reference is made to the question which the
6 Japanese Ambassador raised on August 8 during a conver-
7 sation with the Secretary of State whether it might not
8 be possible for the responsible heads of the Japanese
9 Government and Government of the United States to meet
10 with a view to discussing means whereby an adjustment
11 in relations between the United States and Japan might
12 be brought about. The thought of Prince KONO and of
13 the Japanese Government in offering this suggestion is
14 appreciated."

15 * * * *

16 "In case the Japanese Government feels that
17 Japan desires and is in position to suspend its ex-
18 pansionist activities, to readjust its position, and
19 to embark upon a peaceful program for the Pacific
20 along the lines of the program and principles to
21 which the United States is committed, the Government
22 of the United States would be prepared to consider
23 resumption of the informal exploratory discussions
24 which were interrupted in July and would be glad to
endeavor to arrange a suitable time and place to ex-

change views. The Government of the United States,

1 however, feels that, in view of the circumstances
2 attending the interruption of the informal conversa-
3 tions between the two Governments, it would be helpful
4 to both Governments, before undertaking a resumption
5 of such conversations or proceeding with plans for a
6 meeting, if the Japanese Government would be so good
7 as to furnish a clearer statement than has yet been
8 furnished as to its present attitude and plans, just
9 as this Government has repeatedly outlined to the
10 Japanese Government its attitude and plans."

11 The other document handed to Ambassador
12 NOMURA by the President on 17 August, a warning to
13 Japan against further aggression, appears in part as
14 defense document 1400-C-8, which is offered in evi-
15 dence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 1400-C-8
18 will receive exhibit No. 2890.

19 (Whereupon, the document above referred
20 to was marked defense exhibit 2890 and received
21 in evidence.)

22 MR. BLAKENEY: I read the excerpt.

23 "Oral Statement Handed by President Roose-
24 velt to the Japanese Ambassador (NOMURA) on August
25 17, 1941.

* * * *

1 "The Government of the United States is in
2 full sympathy with the desire expressed by the
3 Japanese Government that there be provided a fresh
4 basis for amicable and mutually profitable relations
5 between our two countries. This Government's patience
6 in seeking an acceptable basis for such an understand-
7 ing has been demonstrated time and again during recent
8 years and especially during recent months. This
9 Government feels at the present stage that nothing
10 short of the most complete candor on its part, in the
11 light of evidence and indications which come to it
12 from many sources, will at this moment tend to further
13 the objective sought.

14 "Such being the case, this Government now
15 finds it necessary to say to the Government of Japan
16 that if the Japanese Government takes any further
17 steps in pursuance of a policy or program of mili-
18 tary domination by force or threat of force of neigh-
19 boring countries, the Government of the United States
20 will be compelled to take immediately any and all
21 steps which it may deem necessary toward safeguarding
22 the legitimate rights and interests of the United
23 States and American nationals and toward insuring the
24 safety and security of the United States."

25 As showing the importance attached by the
Japanese to Prince KONO's proposed meeting with

tance to the pro...

1 President Roosevelt, I wish to refer to the interview
2 of 18 August between Foreign Minister TOYODA and
3 Ambassador Grew. A report of this interview is al-
4 ready in evidence, as exhibit 2756 (record page
5 24,709), parts only of which were read into the
6 record. Although the contents are substantially the
7 same, believing the official record from Foreign
8 Relations to be a more satisfactory record than the
9 Ambassador's book, I shall offer in evidence the
10 official record, defense document 1400-L-6, and pro-
11 pose to read the parts not read from exhibit 2756.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Defense document 1400-L-6
14 will receive exhibit No. 2891.

15 (Whereupon, the document above referred
16 to was marked defense exhibit 2891 and received
17 in evidence.)

18 MR. BLAKENEY: I therefore read first
19 paragraphs 7 through 10 of the exhibit, No. 2891:

20 "7. On August 8 Admiral NOMURA had received
21 from Secretary Hull the American reply to the Japanese
22 proposal reiterating the substance of the President's
23 proposal of July 24 and Admiral TOYODA regretted that
24 the American reply seemed to attach too little impor-
25 tance to the profound consideration given by the

1 Japanese Government to the President's proposal.

2 "8. In other words, the American proposal,
3 it seems, suggested the withdrawal of Japanese forces
4 from Indo-China as a prerequisite, although the
5 Japanese Government had definitely affirmed its inten-
6 tion to withdraw immediately after the China affair
7 had been settled because the China affair is the ob-
8 stacle to peace in the Far East.

9 "9. If the United States really desires
10 peace in the Far East the Japanese Government hopes
11 that it will give full consideration to the Japanese
12 Government's declaration and will cooperate for the
13 settlement of the China affair which is the obstacle
14 to peace in the Far East.

15 "10. As the Ambassador is fully aware, both
16 the present and the last cabinet of Prince KONOYE have
17 had the sincerest wish to adjust relations with the
18 United States and it is the Minister's firm conviction
19 that there is no room for doubt that this wish has
20 been equally shared by President Roosevelt and Secre-
21 tary Hull."

22 Paragraph 11, which has already been read,
23 I omit and continue with paragraph 12:

24 "12. The Minister believes that both Japan
25 and the United States must do their duty as saviours

1 of the world in the present crisis, and for that pur-
2 pose the problems lying between the two countries must
3 be considered in a calm and friendly atmosphere on
4 an equal basis as between two great powers facing the
5 Pacific Ocean; the Minister further believes that it
6 would be possible to come to an adjustment of relations
7 between both countries in that spirit.

8 "13. The Minister cannot but recognize the
9 fact that in spite of the points just mentioned the
10 present relations between the United States and Japan
11 have become extremely strained as a result of misun-
12 derstanding between the two countries and sinister
13 designs by third powers, and that if the situation
14 should be left without trying to prevent it from get-
15 ting worse it would lead to a most critical situation.

16 "14. The only way to eliminate this criti-
17 cal situation is, the Minister thinks, that the respon-
18 sible people of both countries should directly meet
19 each other and express their true intentions toward
20 each other and thus to study the possibility of remedy-
21 ing the present situation, trying to discover the
22 methods for contributing toward mankind and the peace
23 of the world.

24 "15. In other words, the Minister thinks
25 that it would be most opportune if the leaders of both

1 countries, animated by the above mentioned desires,
2 could have talks most frankly in order to dispose of
3 American-Japanese relations in the aforesaid spirit
4 and also from a broadminded point of view, and in
5 view of his conviction that it would be highly desir-
6 able that Prince KONOYE should proceed to Honolulu
7 and have talks personally with President Roosevelt if
8 the President would consent to this suggestion, the
9 Minister sent an instruction on August 7 to Ambassador
10 NOMURA about this matter. He intended that Admiral
11 NOMURA should personally see President Roosevelt on
12 his return to Washington.

13 "16. According to news reports the Presi-
14 dent returned to Washington yesterday. In view of the
15 seriousness of the matter the Minister desired to make
16 this statement to me on this suggestion and he wished
17 to ask for my cooperation towards the realization of
18 this proposal.

19 "17. The Minister firmly believed that I
20 would give him my cooperation with the more sincerity
21 and vigor in order to make this plan succeed when he
22 remembers my ever continuing sincere effort for the
23 improvement of American-Japanese friendly relations
24 during the past nine long years.

25 "18. Needless to say, the Premier's going

1 abroad would have no precedent in Japanese history and
2 the Prime Minister, Prince KONO, has made up his mind
3 with an extremely strong determination to meet the
4 President notwithstanding the fact that he is fully
5 aware of the objections in certain parts of this coun-
6 try. This determination of Prince KONOYE is nothing
7 but the expression of his strongest desire to save the
8 civilization of the world from ruin as well as to main-
9 tain peace in the Pacific by making every effort in
10 his power, and the Minister firmly believes that the
11 President will also be in harmony with this thought
12 and will give his consent to the proposal of the Jap-
13 anese Government.

14 "19. It is firmly believed that in the con-
15 versations between the Prime Minister and the Presi-
16 dent it will be possible to reach a just and equitable
17 agreement on the general question of Japanese-American
18 relations from the broadminded point of view as a
19 result of the expressions of the highest degree of
20 statesmanship of both leaders, Japan not being necessari-
21 ly bound by her reply to the President's proposal of
22 July 24 made through Admiral NOMURA on August 6 and
23 in this connection the Minister wishes to call my
24 attention to the fact that it is absolutely necessary
25 to avoid arousing misunderstanding or giving an

1 impression both inside and outside this country that the
2 Japanese Government has entered into negotiation with
3 the American Government as a result of American press-
4 ure. Based upon this point of view the Minister deems it
5 desirable that various measures of economic pressure
6 against Japan be immediately stopped or highly moderat-
7 ed and the Japanese Government is of course ready to
8 reciprocate at once in this respect. The Minister wish-
9 es to draw the attention of the American Government to
10 this point."

11 I omit paragraph 20, which has just been read,
12 and continue with the succeeding paragraph, unnumbered:

13 "In the early part of the Minister's oral
14 statement, before he had come to the proposed meeting
15 in Honolulu, I spoke of Japan's progressive southward
16 advance and the fact that in spite of all peaceful assur-
17 ances the American Government, in the light of the steps
18 taken by Japan, could only be guided by facts and actions
19 and not by words. I noted also the fact that whereas
20 in previous conversation the Minister had ascribed the
21 Japanese move into Indo-China as brought about by the
22 threatened encirclement by other powers, including the
23 United States and Great Britain, he now ascribed it ex-
24clusively to the settling of the China affair. To these
25 comments the Minister made no reply.

"I furthermore repeated to him the statement

which the Under Secretary had made to the Japanese Ambassador on July 23 to the effect that Mr. Hull could not see that any basis was now offered for continuing the conversations which had been carried on in Washington between the Secretary and Admiral NOMURA and I also spoke of Mr. Hull's statement to Admiral NOMURA on August 8 to the effect that in the view of the American Government the proposal handed by the Japanese Ambassador to the Secretary of State on August 6 failed in responsiveness to the proposal advanced by the President on July 24.

"At the end of his presentation I said that I would withhold comment until my Government had had an opportunity to study the proposal which the Minister had advanced, but I said that in the interests of peace I would give the proposal my own personal support.

"Joseph C. Grew."

Ambassador Grew's official recommendation in connection with the proposal made to him by the Foreign Minister was contained in his despatch of 18 August, an excerpt of which, taken from Foreign Relations and contained in defense document 1400-M-6, is offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1400-M-6 will receive exhibit No. 2892.

1 (Whereupon, the document above referred
2 to was marked defense exhibit 2892 and received
3 in evidence.)

4 MR. BLAKENEY: I read the exhibit.
5 "Tokyo, August 18, 1941," and so forth.
6 "1268. The Ambassador reports as follows for
7 Secretary Hull and Under Secretary Welles:"

8 * * * *

9 "He says that naturally he is not aware of
10 the reaction President Roosevelt will have to the
11 proposal made today orally by the Japanese Minister
12 for Foreign Affairs. The Ambassador urges, however,
13 with all the force at his command, for the sake of
14 avoiding the obviously growing possibility of an utter-
15 ly futile war between Japan and the United States, that
16 this Japanese proposal not be turned aside without very
17 prayerful consideration. Not only is the proposal
18 unprecedented in Japanese history, but it is an in-
19 dication that Japanese intransigence is not crystallized
20 completely owing to the fact that the proposal has the
21 approval of the Emperor and the highest authorities in
22 the land. The good which may flow from a meeting
23 between Prince KONOYE and President Roosevelt is in-
24 calculable. The opportunity is here presented, the
25 Ambassador ventures to believe, for an act of the

1 highest statesmanship, such as the recent meeting of
2 President Roosevelt with Prime Minister Churchill at
3 sea, with the possible overcoming thereby of apparent-
4 ly insurmountable obstacles to peace hereafter in the
5 Pacific.

6 "Grew."

7 THE PRESIDENT: We will recess for fifteen
8 minutes.

9 (Whereupon, at 1045, a recess was
10 taken until 1105, after which the proceedings
11 were resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. BLAKENEY: On 28 August 1941
4 Ambassador NOMURA had an interview with the
5 President for the purpose of conveying to him a
6 message from Prince KONOYE requesting the President
7 to meet him at an early date for personal discussion
8 of the pending questions between the two countries.

9 Here is a change, Language Section.

10 These documents are now in evidence as
11 exhibit 1245-B, record page 10,764, a memorandum
12 of the Secretary of State showing the President's
13 enthusiastic reception -- I am sorry, that is the
14 memorandum.

15 At the same time, Ambassador NOMURA con-
16veyed a statement of the Japanese Government of
17 its position to which also I make reference.

18 Document 1400-N-6, which is a duplicate,
19 is withdrawn from the list.

20 That Secretary Hull was less enthusiastic
21 than the President appears from Ambassador
22 NOMURA's account of their conversation on the
23 evening of the same day, the 28th, at which the
24 Secretary imposed conditions for the meeting. The
25 telegraph from the Ambassador, defense document

1401-M-1, is offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document

3 1401-M-1 will receive exhibit No. 2893.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 2893 and received in evidence.)

7 MR. BLAKENEY: I shall read the document,
8 first calling attention to the typographical error
9 in the first line, the 20th for the 28th.

10 "From NOMURA to TOYODA, 29 August 1941.

11 "In reference to my telegram No. 752,
12 "I had a talk with Hull yesterday evening,
13 the 28th, about the agenda of the meeting and other
14 things. The gist is as follows:

15 "(a) A really serious situation would
16 result if the meeting should, because of the un-
17 compromising attitude of either of the two heads
18 as to some point or other, fail to produce an
19 agreement. It is therefore desired that the
20 negotiations should be brought to a conclusion in
21 outline before the two heads meet, and that only
22 the final decision (Hull used the word 'ratification')
23 should be left to the meeting. (With respect to
24 this point, please refer to the latter part of my

telegram No. 703.)

"(b) Generally speaking, it is necessary to bring the previous talks up to date, and the Secretary of State repeatedly said that the adjustment of Japanese-American relations would be difficult apart from the China problem, which is one of the chief subjects for discussion.

“(d) Concerning the withdrawal of

1 Japanese troops from China I replied that there
2 was nothing new beside what I had told him. As
3 regards the question of the right of self-defense
4 I repeated my usual contentions. However, I
5 explained further that I believed that Prince
6 KONOYE must be confident of a successful settle-
7 ment of the question, since he had determined to
8 meet Roosevelt. Hull, however, stated that the
9 existing understandings would not suffice, and in-
10 sisted on having a clear-cut statement of intention
11 of the Japanese Government.

12 "We accordingly request that further in-
13 structions be given, upon reference to my telegram
14 No. 540, concerning the decision of the Government
15 with respect to the questions of the withdrawal
16 of forces and of the right of self-defense.

17 "As to the present question, please let
18 Colonel IWAKURO, who has returned to Japan
19 recently, inform you in detail.

20 "(e) In connection with the practical
21 arrangements in case an agreement is reached con-
22 cerning the meeting of the two heads, I suggested,
23 as my personal opinion, the following:

24 "(1) The Japanese Government desires to
25 choose the Hawaiian area for the place of meeting,

1 but, if the President finds it difficult to go
2 there for geographical reasons or because of
3 constitutional difficulties, and suggests instead
4 Juneau which lies halfway between Tokyo and Washing-
5 ton, it is believed that the Tokyo Government will
6 consent to the idea.

7 "(2) As for the date of meeting, we
8 suggest fixing it for 21 - 25 September.

9 "(3) The proper number of attendants is
10 considered to be about twenty, consisting of dele-
11 gates from the Foreign, War and Navy Ministries as
12 well as the Embassy. But it can be smaller.

13 "(4) Prince KONOYE will come to the
14 place of meeting on board a warship, and it will
15 take about ten days.

16 "(5) Mutual consultation is required as
17 to its announcement, and it is proper, in my
18 private opinion, to announce it soon after the
19 departure of Prince KONOYE.

20 "The Secretary of State said that he
21 would consult with the President upon these points.
22 Generally speaking, the Secretary is very prudent
23 and cautious in dealing with the present project,
24 and seems to be giving careful consideration to
25 it from every side. It appears that the meeting

1 of the responsible heads will not be realized un-
2 less both sides practically accord in their
3 opinions."

4 On 3 September, meeting again with the
5 President, the Japanese Ambassador further urged
6 the meeting, with the Premier at the same time
7 receiving the President's answer to the Premier's
8 message, the reply being exhibit 1245-C, record,
9 page 10,772. The Ambassador's report to his
10 government on the meeting is offered in evidence
11 as defense document 1401-N-1.

12 THE PRESIDENT: Admitted on the usual
13 terms.

14 CLERK OF THE COURT: Defense document
15 1401-N-1 will receive exhibit No. 2894.

16 (Whereupon, the document above
17 referred to was marked defense exhibit
18 No. 2894, and received in evidence.)

19 MR. BLAKENEY: I read the document, point-
20 ing out especially that the Ambassador reported
21 having reached an agreement in principle on two
22 of the three pending issues, and reported no dissent
23 from that statement.

24 "From NOMURA to TOYODA, 3 September 1941.
25 "On 3 September, at 5 P. M., I had a talk

1 with the President in secret. The President read
2 out the message and the oral statement which I have
3 transmitted to you (see my telegrams Nos. 776 and
4 777), and gave his opinion that while the President,
5 Prince KONOYE, the Japanese Ambassador and the
6 Secretary of State are all striving for peace in the
7 Pacific, public opinion, in Japan as well as in the
8 United States, would have its way, and pointed out
9 the fact that he had received frequent telegrams
10 advising him not to alter his policy in order to
11 compromise with Japan. Then he stated that for that
12 reason he was 'very sincerely sympathetic' (as he
13 put it) with Prince KONOYE. The Secretary of
14 State, sitting by his side, also asked me about the
15 present situation in Japan. I replied that the
16 Premier would carry through his policy in spite
17 of opposition.

18 "As to the three pending issues, I said
19 that an agreement in principle had been reached so
20 far as two of them were concerned. With respect
21 to the withdrawal of Japanese forces from China,
22 I explained that it is because the Premier has con-
23 fidence in reaching an agreement with the American
24 Government that he has decided to meet the
25 President.

1 "The Secretary of State made further
2 reference to several questions of phraseology,
3 and repeatedly emphasized the necessity of per-
4 suading Great Britain, the Netherlands Indies
5 and China to consent to the present project,
6 after all arrangements for the meeting shall have
7 been made. The President said that in his meeting
8 with Churchill he did not touch upon the content
9 of the conversations for the adjustment of relations
10 between Japan and the United States, because, as he
11 explained, of the difficulty ~~in~~ keeping secrecy
12 owing to the British usage that everything is
13 reported to the members of the Cabinet, who are
14 prone to reveal it to the Parliament. As regards
15 the date of meeting, the President said that he had
16 an engagement at the end of September, but he seems
17 to have no other engagement.

18 "On leaving, I said that the maintenance
19 of peace in the Pacific depends heavily upon the
20 high statesmanship of the President. The President
21 nodded appreciation. The Secretary of State,
22 being apprehensive of the recent trend of press
23 comment in Japan, asked several more questions.

24 "I made ~~an~~ explanation in connection
25 with the statement of the Japanese position

1 referred to in the closing part of your telegram
2 No. 524. The President seemed to have no objec-
3 tion. The Secretary of State made no reply. I
4 will submit a further report upon ascertaining
5 the Secretary's intention, as I am going to have
6 a talk with him tomorrow morning."

7 On 4 September, Foreign Minister TOYODA
8 handed to Ambassador Grew a new proposal which he
9 instructed Ambassador NOMURA to communicate to
10 the Secretary of State also, as appears from his
11 telegram, defense document 1401-0-1, which is
12 offered in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Defense document
16 1401-0-1 will receive exhibit No. 2895.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 2895, and received in evidence.)

20 MR. BLAKENEY: In reading the telegram, I
21 call attention to the fact that the Foreign
22 Minister believed the United States to have been
23 satisfied by the Japanese commitments concerning
24 the Tripartite Pact.

25 "From TOYODA to NOMURA, 4 September 1941.

"In reference to your telegram No. 756.

"(1) As prerequisite to the meeting of the responsible heads of the two countries the United States Government holds that there are, among the problems dealt with in the preliminary conversations thus far held unofficially, the following three pending issues to be solved: namely, the right of self-defense, the stationing of Japanese forces in China, and non-discriminatory treatment in trade. The internal situation of Japan, however, especially after the leakage of the Premier's message, necessitates prompt realization of the meeting to adjust Japanese-American relations, as I have repeatedly informed you through my successive telegrams. If the routine legal argument of these problems should be repeated in future as in the past it would be quite impossible, according to our judgment, to work our way to bringing about the meeting at the end of September as you suggested. Moreover, the Japanese Government has already expressed its views concerning the American offers of 24 July and 17 August, and has also delivered the Premier's message, leaving nothing unsaid. The Japanese Government has decided, therefore, to express frankly its views which are

1 conveyed in the separate telegram No. 529; to
2 reach a preliminary and general agreement there-
3 upon and to hold a meeting between the two
4 responsible heads of government; to issue a
5 joint statement as an outcome of the meeting (our
6 draft statement will be cabled as soon as it shall
7 have been completed); and thus to improve the
8 atmosphere between Japan and the United States.
9 Accordingly, I asked Ambassador Grew to call on me
10 at 4:30 P. M. on the 4th, and handed him a
11 proposal, which will be sent to you by wire
12 separately. You should take this into considera-
13 tion, and hand the separate telegram to the
14 Secretary of State.

15 "(2) Concerning the separate telegram,
16 the points that require special explanation are
17 as follows. (As to the present proposal, agree-
18 ment will be reached at the meeting of the respon-
19 sible heads, and the decision whether it ought to
20 be done in the form of a secret agreement or in
21 ordinary form will be left to direct consultation
22 between them).

23 "(I) The Japanese Government expects
24 that its views concerning its undertakings,
25 especially those concerning the Tripartite Pact,

1 will be sufficient to satisfy the United States
2 Government.

3 "(II) In connection with the mutual
4 rescission of the freezing of assets, you should
5 avoid giving an impression that this measure of the
6 American Government was a severe blow to Japan.
7 But it should be emphasized that the United States
8 Government should dissuade any strong internal
9 opposition, and should reciprocate the resolution
10 of Japan, for the reasons (a) that mere relaxation
11 would not be understood by the general public, in
12 view of the technical and complex nature of these
13 measures; (b) that the present measure has given
14 the Japanese people an impression that it was
15 punitive, against Japan's advance into French
16 Indo-China; and (c) that the measure is the most
17 conspicuous. As to the date of rescission,
18 'immediately' implies the time when the understand-
19 ing referred to in (1) above shall have been
20 reached at the meeting of the two heads.

21 "(III) By suspension of military measures
22 is meant, for instance, not to dispatch to the
23 Philippine Islands and other places submarines and
24 aeroplanes in addition to the present strength, and
25 not to acquire military bases in the Southwestern
Pacific, China and the Soviet Far Eastern territories."

1 The proposal referred to in the last
2 exhibit is already in evidence herein as exhibit
3 1245-D, record, page 10,778. Ambassador Grew had
4 further conversations over it as appears from his
5 comment excerpted from "Foreign Relations," which is
6 offered in evidence as defense document 1400-0-6.

7 CLERK OF THE COURT: Defense document
8 1400-0-6 will receive exhibit No. 2896.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 2896 and received in evidence.)

12 MR. BLAKENEY: I shall read the exhibit:
13 "Comment by the Ambassador in Japan (Grew)
14 "Tokyo, September 5, 1941.

15 "In my meeting tomorrow with the Foreign
16 Minister I shall confine myself to carrying out the
17 explicit instructions contained in the Department's
18 telegram No. 562, September 4, 8 p.m., and shall avoid
19 discussion of the questions at issue pending a reply
20 from the Department to my 1384, September 4, 9 p.m.

21 "Admiral TOYODA has told me that he would
22 like to have any further conversations which may be
23 necessary before the proposed meeting between the
24 Prime Minister and the President carried on in Tokyo
25 rather than in Washington because, as he said, certain

1 language difficulties appear to have arisen in
2 Washington. I told him, however, that I could not
3 make any such recommendation since I felt that it
4 was up to my Government to decide where and by whom
5 such conversations should be carried on.

6 "After having carefully gone over the
7 reports of the oral discussions which took place
8 concerning our redraft of the original proposals
9 advanced by the Japanese, it was apparent to me that
10 there are four substantial points on which no agree-
11 ment has been reached, i.e., (1) the question of
12 equal opportunity and non-discrimination in China,
13 (2) the maintenance of Japanese garrisons in China,
14 (3) the respective attitudes of the United States
15 and Japan toward the war in Europe, and (4) the
16 question of military bases. It is pertinent to
17 examine whether or to what degree the commitments
18 which the Japanese Government is prepared to accept
19 as set forth in points (e), (d), (c), and (b), in
20 that order, of the latest Japanese proposal are con-
21 sidered by our Government as satisfactory in regard
22 to the four points outlined above, and whether these
23 new provisional commitments afford an adequate basis
24 for the proposed meeting between the President and the
25 Prime Minister.

1 "It is obvious in this connection that no
2 Japanese undertakings whether oral or in written
3 form can be accepted as giving a complete guarantee
4 that such undertakings can or will be carried out to
5 our entire satisfaction. It is clear that the first
6 step toward a return to the status quo ante in the
7 Far East or the establishment of a situation in that
8 area which would conform to the principles which we
9 believe should govern decent relations between states
10 involves the cessation on the part of Japan of its
11 progressive acts of aggression. It would appear that
12 the commitments contained in the latest Japanese pro-
13 posal, if implemented, would fulfill this requirement.
14 Since it is presumed that a detailed formulation of a
15 general plan of reconstruction of the Far East could
16 not probably be worked out in advance, it would be
17 eminently desirable that the military and economic
18 measures of the United States which are now inexorably
19 pressing on Japan be relaxed point by point pari passu
20 with the actions of the Japanese Government in the
21 direction of implementing its proposed commitments.
22 If our Government followed this suggested course it
23 would always retain in its hands the leverage which
24 would contribute to Japanese implementation of its
25 commitments. If an adjustment of relations is to be

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2 Japanese undertakings whether oral or in written
3 form can be accepted as giving a complete guarantee
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10 involves the cessation on the part of Japan of its
11 progressive acts of aggression. It would appear that
12 the commitments contained in the latest Japanese pro-
13 posal, if implemented, would fulfill this requirement.
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15 general plan of reconstruction of the Far East could
16 not probably be worked out in advance, it would be
17 eminently desirable that the military and economic
18 measures of the United States which are now inexorably
19 pressing on Japan be relaxed point by point pari passu
20 with the actions of the Japanese Government in the
21 direction of implementing its proposed commitments.
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24 would contribute to Japanese implementation of its
25 commitments. If an adjustment of relations is to be

1 achieved some risk must be run, but the risk taken
2 in the pursuance on our part of a course which would
3 not only provide inducements to the Japanese to honor
4 their undertakings but would also leave to the United
5 States Government a certain leverage of compulsion
6 would appear to be relatively less serious than the
7 risk of armed conflict entailed in the progressive
8 application of economic sanctions which would result
9 from a refusal to accept these proposals.

"Joseph C. Grew."

11 Meanwhile, to revert for a moment to the
12 conditions of matters in Tokyo from the time of the
13 move into Southern Indo-China I read from exhibit 2877,
14 the KONOYE Memoirs, beginning with page 1, the fourth
15 paragraph, and continuing to the end of the excerpt.
16 That is defense document 1500-W-5.

17 "Meanwhile, the effect of Japan's armed
18 occupation of French Indo-China was immediate and
19 powerful. America immediately effected a breaking
20 off of economic relations painful to Japan and without
21 hesitation made clear that her own country's tradi-
22 tional policy alone was the policy conducive to peace.
23 This strong American retaliation created a proportion-
24 ate reaction in the anti-American camp in Japan.
25

Opposition to American-Japanese negotiations came out

1 into the open, and the course of action of the Cabinet,
2 which had been created expressly for this purpose,
3 became fraught with difficulties. Developments
4 finally induced me to request a personal interview
5 with the American President. However, the fact of
6 the existence of the so-called 'KONOYE Message' had
7 leaked out as a consequence of the conversations
8 between NOMURA and the President, and, while the
9 actual contents were not known, various vague con-
10 jectures began to circulate, making even more diffi-
11 cult the problems confronting negotiations. It would
12 seem that from about August 1941, the Army General
13 Staff, even including the highest quarters, began
14 advocating an immediate breaking off of negotiations
15 and an opening of American-Japanese hostilities.
16 Seeking in every possible way to contravene these
17 policies, from the latter half of August I repeatedly
18 held consultations with the Army and Navy Ministers
19 and called together countless joint conferences. To
20 a certain degree, the 'National Policy' calling for
21 breaking off of negotiations and the immediate opening
22 of hostilities against England and America was brought
23 under discussion.

24 "Thus it came about that on September 6th,
25 at a conference held in the Imperial presence, the

1 'Outline for the Execution of the National Policy
2 of the Imperial Government' was decided upon. . . ."

3 The Imperial conference decision referred
4 to is found in exhibit 588 and in view of its intimate
5 connection with the remainder of this part of the
6 case I wish to ask leave of the Tribunal to read from
7 it once again the provisions pertinent to the Japanese-
8 American question. They are very brief. I read then
9 from the decision of the Imperial conference of the
10 6th of September as found in exhibit 588, at the
11 bottom of page 2:

12 "Summary: Execution of the Empire's Policy.

13 "In view of the present acute situation,
14 especially the aggressive movements the United States,
15 Britain and the Netherlands have assumed; the situa-
16 tion of Soviet Russia; and the suppression of our
17 national power; Japan will execute her Southern advance
18 policy, related in the 'Principle of Japan's Policy
19 According to the Change of Situations,' as follows:

20 "a In order to secure self-existence and self-
21 defense, Japan, with a determination for a war with
22 the United States (Britain and the Netherlands), will
23 have completed her preparations by the end of October.

24 "b Meanwhile, in pace with the above, Japan will
25 strive for the fulfillment of her demands through

diplomatic measures with the United States and Britain.

1 "The minimum matters of demand to be accom-
2 plished in Japan's negotiations with the United States
3 (Britain), and the limit Japan is able to come to an
4 agreement in this connection will be stated on another
5 sheet.

6 "c If, through the above negotiations, our
7 demands have no hope of fulfillment by the beginning
8 of October, we shall immediately determine to wage
9 war against the United States (Britain and the
10 Netherlands)."

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1 your successive instructions concerning the adjust-
2 ment of relations between Japan and the United States,
3 and am constantly exerting myself to obtain the expected
4 result somehow or other. With respect to the situation
5 in the United States, I believe that the Tokyo Govern-
6 ment has not a shadow of doubt left, for a full report
7 thereof has been submitted by WAKASUGI and IWAKURO.

8 "The recent attack on an American destroyer
9 by German submarines did not provoke public opinion
10 here. In connection with Japan, however, the Gallup
11 poll (though some argue that the Gallup is not quite
12 credible) shows that an opinion that the expansion of
13 Japan must be checked even at the risk of war is
14 rapidly gaining in influence. It indicated 51% in
15 last June and 70% today. It is perceived that the
16 United States is getting deeply concerned with the
17 Pacific, notwithstanding that she must necessarily be
18 interested in the safety of the Atlantic sea-routes.
19 Accordingly, if there should occur in the Pacific such
20 an incident as an attack on an American destroyer, it
21 is believed that there would be no hope of saving the
22 situation. It is again conjectured that the strong
23 public opposition to the dispatch of expeditionary
24 forces, and the consideration that a Japanese-American
25 war would require no army, are the chief reasons that

1 public opinion in the United States is not aroused
2 against Germany whereas it is against Japan. Ex-
3 penditure on account of munitions of war amounts now
4 to over \$1,000,000,000 every month, and the quantity
5 of output is four or five times as much as that of
6 last year."

7 From among the many conversations, in both
8 Japan and America, during this period we offer a
9 few excerpts on points of special relevance. The
10 Japanese Ambassador and the Secretary of State con-
11 ferred on 10 September, an excerpt from their con-
12 versation being embodied in defense document 1400-Q-6,
13 from Foreign Relations, which is offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 1400-Q-6
16 will receive exhibit No. 2898.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 2898 and received in evidence.)

20 MR. BLAKENEY: The excerpt, "Memorandum of
21 a Conference, Washington, September 10, 1941.

22 "The Japanese Ambassador called at his
23 request at the Secretary's apartment.

24 "The Ambassador then inquired what the
25 Secretary's reaction was to the Japanese Government's

1 public opinion in the United States is not aroused
2 against Germany whereas it is against Japan. Ex-
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22 "The Japanese Ambassador called at his
23 request at the Secretary's apartment.

24 "The Ambassador then inquired what the
25 Secretary's reaction was to the Japanese Government's

1 proposals of September 6. The Secretary commented
2 that it seemed to us that whereas our previous con-
3 versations had related to a broad and liberal under-
4 standing covering the entire Pacific area, the present
5 proposals had narrowed down the spirit and the scope
6 of the proposed understanding. The Secretary also
7 observed that, in regard to the matter of the Tri-
8 partite Pact, as this was a military alliance and
9 as Germany was engaged in a movement of world con-
10 quest the situation presented real difficulties for
11 this Government which he did not see how the new
12 proposals met.

13 "Mr. OBATA said that as the Japanese Govern-
14 ment concurred in all the points in which tentative
15 agreement had been reached in our previous conversa-
16 tions the Ambassador and he felt that the new pro-
17 posals did not serve to narrow the scope and the
18 spirit of the original proposals. The Secretary then
19 suggested that if we were under a misunderstanding, the
20 misunderstanding should be cleared up and suggested that
21 Mr. Hamilton and Mr. Ballantine meet with the Japanese
22 Ambassador and Mr. OBATA in an endeavor to clear up
23 all doubtful points."

24 Foreign Minister TOYODA, on 13 September,
25 called in Ambassador Grew and handed him a copy of

1 instructions being sent to Ambassador NOMURA, in
2 another effort to remove misunderstanding. These
3 instructions, as contained in Foreign Relations, are
4 offered in evidence as defense document 1400-R-6.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document
7 1500-R-6 will receive exhibit No. 2899.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 2899 and received in evidence.)

11 MR. BLAKENEY: I read the document.

12 "Proposed Instructions to the Japanese
13 Ambassador (NOMURA), handed by the Japanese Minister
14 for Foreign Affairs (TOYODA) to the American Ambassador
15 in Japan (Grew) on September 13, 1941.

16 "I. (a) The proposed draft of an understand-
17 ing which has been constituting a basis for informal
18 negotiations between the Japanese and the United States
19 Governments will continue to be a basis for further
20 discussions.

21 "The points upon which we deem a tentative
22 agreement has already been reached during the informal
23 preliminary conversations in Washington comprise the
24 preamble to the proposed understanding, the concepts
25 of the United States and of Japan respecting

1 international relations and the character of na-
2 tions, and the matter concerning the good offices
3 of the United States to the relations between
4 Japan and China.

5 "Although it seems that there is a mis-
6 understanding on the part of the United States that
7 Japan does not want the good offices of the United
8 States in the settlement of China affairs, the
9 Japanese Government has by no means refused the
10 good offices of the President of the United States
11 and is still, as before, wishing for them.

12 "(b) The terms 'without any justifiable
13 reason' applies sic merely to the latter part of
14 point (b) of the undertaking to which Japan is
15 ready to commit itself."

16 (c) is apparently nonexistent.

17 "(d) For the purpose of preventing
18 communistic and other subversive activities
19 threatening the safety of both Japan and China and
20 also of maintaining the peace and order in China,
21 Japan and China will cooperate in the form of common
22 defense. The execution of the common defense by
23 Japan and China will contain the stationing of
24 Japanese troops for a certain period in accordance
25 with the agreements between both countries. The

1 Japanese troops which have been sent to China with
2 the object of executing the China affairs will be
3 withdrawn when the said affairs have been settled.

4 "(e) The reason why the Japanese Govern-
5 ment inserted point (e) as a matter to be under-
6 taken by Japan is because the Japanese Government,
7 in view of the apprehension on the part of the
8 Government of the United States that Japan might
9 violate the American rights and interests in China,
10 wishes to show her intention of not obstructing any
11 just and equitable economic activities of the United
12 States in China. The Government of Japan will not
13 only admit the principle of nondiscrimination with
14 regard to commerce in China as well as in the
15 Southwestern Pacific Area, but also it fully respects
16 the established rights and interests of the United
17 States in China. However, it considers that the
18 especially close economic relations between Japan
19 and China natural from their geographical propinquity
20 are the same kind of relations as those which exist
21 between any other two neighboring countries. Indeed,
22 there will be no reason why the principle of close
23 economic relationship owing to the geographic pro-
24 pinquity shall not be applied to Japan's economic
25 relations with China. Accordingly, the close and

1 especial economic cooperation between Japan and China
2 within this limit will not establish so-called monopo-
3 listic or preferential rights and interests for Japan.
4 Moreover, it is firmly believed that such is a natural
5 phenomenon in our human life, and the observance of
6 this law of nature is not only a factor of bringing
7 about economic prosperity of the world, but the
8 surest way for the firm establishment of the world
9 peace.

10 "(f) Since matters relating to China, as has
11 been stated above, are covered under point (e), the
12 matter concerning Japan's economic activities in the
13 Southwestern Pacific Area was clarified under point
14 (f) in view of the fact that among other areas of the
15 Pacific the United States is most concerned with the
16 Southwestern Area of the Pacific.

17 "II. (a) The measures and actions referred to
18 in point (a) among the the proposed undertakings by
19 the United States are meant to indicate acts of the
20 United States in aid in various forms for the Chiang
21 Kai-shek regime. As for the 'good offices' of the
22 President of the United States they were referred to
23 above."

24 Five days later Prince KONOYE's private
25 secretary, Mr. USHIBA, had a conversation with the

1 Counselor of Embassy, Mr. Dooman, in which the dis-
2 cussion of the Tripartite Pact question is of particu-
3 lar interest. From Foreign Relations I offer the excerpt,
4 defense document 1400-B-8, on this point.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document
7 1400-B-8 will receive exhibit No. 2900.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 2900 and received in evidence.)

11 MR. BLAKENEY: The excerpt is as follows:

12 "Memorandum by the Counselor of Embassy in
13 Japan (Dooman), Tokyo, September 18, 1941.

14 "Mr. USHIBA called me on the telephone yes-
15 terday afternoon at my house, asking whether he could
16 call on me immediately.

17

18 "We then discussed the question of the attitude
19 of the United States and Japan respectively toward the
20 European War. Mr. USHIBA said that it was impossible
21 for Japan to give to the United States a prior under-
22 taking that it would interpret as a defensive act any
23 action on the part of the United States against Germany
24 which might lead to war between the United States and
25 Germany. He thought that the formula which had been

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1 Could not, therefore, Japan inform Germany that
2 Japan had undertaken to pursue policies conformable
3 to those of the United States, although Japan was
4 prepared to fulfill its obligations under Article III
5 of the treaty? Technically the Alliance is a defensive
6 alliance; and it is clear from the rescript issued by
7 the Emperor at the time of the signing of the Alliance
8 that it was then considered by the Japanese Government
9 as an instrument for peace.

10 "Eugene H. Dooman."

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1 Foreign Minister TOYODA on the 22d, as he
2 reported to the Ambassador in Washington, had a talk
3 with Mr. Grew in which he disclosed the basic terms
4 for peace with China. This conversation is reported
5 in defense document 1401-Q-1, which is now offered
6 in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document
9 1401-Q-1 will receive exhibit No. 2901.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 2901 and received in evidence.)

13 MR. BLAKENEY: I read it.

14 THE MONITOR: We haven't the Japanese copy,
15 Mr. Blakeney.

16 MR. BLAKENEY: If you haven't got it, I will
17 postpone it until after the noon recess; or do you
18 prefer that I read it now and let the Japanese be read
19 later?

20 THE PRESIDENT: I think you ought to read
21 it now. It doesn't break the Charter in any way.

22 MR. BLAKENEY: Then I will read exhibit 2901.
23 "From TOYODA to NOMURA, 22 September 1941.

24 "I asked the American Ambassador in Tokyo to
25 call on me at 4:30 p.m. on 22 September, and expressed

1 Foreign Minister TOYODA on the 22d, as he
2 reported to the Ambassador in Washington, had a talk
3 with Mr. Grew in which he disclosed the basic terms
4 for peace with China. This conversation is reported
5 in defense document 1401-Q-1, which is now offered
6 in evidence.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document
9 1401-Q-1 will receive exhibit No. 2901.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 2901 and received in evidence.)

13 MR. BLAKENEY: I read it.

14 THE MONITOR: We haven't the Japanese copy,
15 Mr. Blakeney.

16 MR. BLAKENEY: If you haven't got it, I will
17 postpone it until after the noon recess; or do you
18 prefer that I read it now and let the Japanese be read
19 later?

20 THE PRESIDENT: I think you ought to read
21 it now. It doesn't break the Charter in any way.

22 MR. BLAKENEY: Then I will read exhibit 2901.
23 "From TOYODA to NOMURA, 22 September 1941.

24 "I asked the American Ambassador in Tokyo to
25 call on me at 4:30 p.m. on 22 September, and expressed

1 my opinion to the following effect. The American
2 Ambassador replied that he would convey it to the
3 home government immediately.

4 "(1) The intention of Premier KONO in
5 connection with the meeting of the two heads is evident
6 in the message to the President of the United States
7 itself.

8 "(2) His intention is that the general
9 principles shall be decided at the meeting of the two
10 heads and the details shall be left to negotiation
11 by the competent authorities of the two governments.
12 The American Government, however, takes the attitude
13 that agreement on the pending points should be reached
14 beforehand.

15 "(3) As I have repeatedly stated, the
16 Japanese Government has readily made replies to the
17 inquiries of the American Government. Explanation with
18 respect to the policy and attitude of the Japanese
19 Government has been exhausted, and it now remains
20 only to wait for the reply of the American Government.

21 "(4) The Japanese proposal which I handed to
22 the American Ambassador on 4 September not only includes
23 all the pending points, but expounds the Japanese
24 attitude covering a wider scope, and in no way narrows
25 down the original proposal of the Government of the

1 United States.

2 "(5) The American Ambassador's inquiry of
3 10 September reminded me of the fact that the Govern-
4 ment of the United States had a doubt as to using its
5 good offices to restore peace between Japan and China.
6 In this connection, I showed the American Ambassador
7 privately the basic terms of peace between Japan and
8 China. We are not taking a new position thereby,
9 but it should be taken as an explanation of the
10 Japanese proposal of 4 September. (The basic peace
11 terms which I presented will be cabled to you
12 separately as No. 590.)

13 "(6) As for the situation in Tokyo, there is
14 a great difference compared with that of a month ago,
15 as the American Ambassador, conversant with Japanese
16 affairs, must be well aware. This is an undisputed
17 truth, and I hope that the American Ambassador will
18 strongly impress the fact upon the Government of the
19 United States. The present Japanese-American negotia-
20 tions became a topic of conversation everywhere in
21 the world from about the time the news began to appear
22 in the American press, and in Japan also they have in-
23 terested a part of the general public. Meanwhile,
24 the anniversary of the conclusion of the Tripartite
25 Alliance will come within a few days. The function

1 in celebration of the anniversary will be held as
2 last year, but the government intends to have it
3 performed in as calm a way as possible. I fear, how-
4 ever, that there may be some in this country who will
5 try to seize the opportunity to arouse public opinion
6 against the Japanese-American negotiations, and also
7 that there may be some disturbances.

8 "17) The situation in Japan is very delicate,
9 as explained above. The earliest possible consent of
10 the Government of the United States to the meeting
11 under consideration, at least as a matter of prin-
12 ciple, is hopefully awaited. The situation is now
13 extremely critical. It is requested that you should
14 promptly convey the contents of the conversation to
15 the Secretary of State and report his reaction to it."

16 THE PRESIDENT: Apparently there has been a
17 Japanese translation while you were reading.

18 MR. BLAKENEY: Is that correct?

19 THE MONITOR: No, sir, we just explained in
20 Japanese that the Japanese copy was not being read
21 because it has not been prepared; just an explanatory
22 note, sir.

23 THE PRESIDENT: The accused are supposed to
24 hear it in Japanese.

25 MR. BLAKENEY: Perhaps it would be well to have

25,811

diplomatic measures with the United States and Britain.

1 "The minimum matters of demand to be accom-
2 plished in Japan's negotiations with the United States
3 (Britain), and the limit Japan is able to come to an
4 agreement in this connection will be stated on another
5 sheet.
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7 "c If, through the above negotiations, our
8 demands have no hope of fulfillment by the beginning
9 of October, we shall immediately determine to wage
10 war against the United States (Britain and the
11 Netherlands)."

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1 On the 6th of September, significantly the
2 very day of the Imperial Conference just referred to,
3 Premier KONOYE invited Ambassador Grew for a long
4 private talk on the subject of Japanese-American
5 relations. Mr. Grew's report of this conversation
6 has been received in evidence as exhibit 2836, record
7 page 25,368, to which I refer the Tribunal, calling
8 attention especially to the commitments which Prince
9 KONOYE offered in the course of that conversation to
10 make to the United States.

11 1400-P-6 is omitted.

12 Ambassador NOMURA reported to the Foreign
13 Minister on 8 September that war sentiment in America
14 was rising. His telegram, defense document 1401-P-1
15 is offered in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Defense document 1401-P-1
18 will receive exhibit No. 2897.

19 (Whereupon, the document above
20 referred to was marked defense exhibit
21 No. 2897 and received in evidence.)

22 MR. BLAKENEY: I read the exhibit.

23 "From NOMURA to TOYODA

24 "8 September 1941

25 "I have fully comprehended the import of

1 your successive instructions concerning the adjust-
2 ment of relations between Japan and the United States,
3 and am constantly exerting myself to obtain the expected
4 result somehow or other. With respect to the situation
5 in the United States, I believe that the Tokyo Govern-
6 ment has not a shadow of doubt left, for a full report
7 thereof has been submitted by WAKASUGI and IWAKURO.

8 "The recent attack on an American destroyer
9 by German submarines did not provoke public opinion
10 here. In connection with Japan, however, the Gallup
11 poll (though some argue that the Gallup is not quite
12 credible) shows that an opinion that the expansion of
13 Japan must be checked even at the risk of war is
14 rapidly gaining in influence. It indicated 51% in
15 last June and 70% today. It is perceived that the
16 United States is getting deeply concerned with the
17 Pacific, notwithstanding that she must necessarily be
18 interested in the safety of the Atlantic sea-routes.
19 Accordingly, if there should occur in the Pacific such
20 an incident as an attack on an American destroyer, it
21 is believed that there would be no hope of saving the
22 situation. It is again conjectured that the strong
23 public opposition to the dispatch of expeditionary
24 forces, and the consideration that a Japanese-American
25 war would require no army, are the chief reasons that

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2 against Germany whereas it is against Japan. Ex-
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9 few excerpts on points of special relevance. The
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11 ferred on 10 September, an excerpt from their con-
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15 CLERK OF THE COURT: Defense document 1400-Q-6
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18 referred to was marked defense exhibit
19 No. 2898 and received in evidence.)

20 MR. BLAKENEY: The excerpt, "Memorandum of
21 a Conference, Washington, September 10, 1941.

22 "The Japanese Ambassador called at his
23 request at the Secretary's apartment.

24 "The Ambassador then inquired what the
25 Secretary's reaction was to the Japanese Government's

1 proposals of September 6. The Secretary commented
2 that it seemed to us that whereas our previous con-
3 versations had related to a broad and liberal under-
4 standing covering the entire Pacific area, the present
5 proposals had narrowed down the spirit and the scope
6 of the proposed understanding. The Secretary also
7 observed that, in regard to the matter of the Tri-
8 partite Pact, as this was a military alliance and
9 as Germany was engaged in a movement of world con-
10 quest the situation presented real difficulties for
11 this Government which he did not see how the new
12 proposals met.

13 *Mr. OBATA said that as the Japanese Govern-
14 ment concurred in all the points in which tentative
15 agreement had been reached in our previous conversa-
16 tions the Ambassador and he felt that the new pro-
17 posals did not serve to narrow the scope and the
18 spirit of the original proposals. The Secretary then
19 suggested that if we were under a misunderstanding, the
20 misunderstanding should be cleared up and suggested that
21 Mr. Hamilton and Mr. Ballantine meet with the Japanese
22 Ambassador and Mr. OBATA in an endeavor to clear up
23 all doubtful points."

24 Foreign Minister TOYODA, on 13 September,
25 called in Ambassador Grew and handed him a copy of

1 instructions being sent to Ambassador NOMURA, in
2 another effort to remove misunderstanding. These
3 instructions, as contained in Foreign Relations, are
4 offered in evidence as defense document 1400-R-6.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document
7 1500-R-6 will receive exhibit No. 2899.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 2899 and received in evidence.)

11 MR. BLAKENEY: I read the document.

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13 Ambassador (NOMURA), handed by the Japanese Minister
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15 in Japan (Grew) on September 13, 1941.

16 "I. (a) The proposed draft of an understand-
17 ing which has been constituting a basis for informal
18 negotiations between the Japanese and the United States
19 Governments will continue to be a basis for further
20 discussions.

21 "The points upon which we deem a tentative
22 agreement has already been reached during the informal
23 preliminary conversations in Washington comprise the
24 preamble to the proposed understanding, the concepts
25 of the United States and of Japan respecting

1 international relations and the character of na-
2 tions, and the matter concerning the good offices
3 of the United States to the relations between
4 Japan and China.

5 "Although it seems that there is a mis-
6 understanding on the part of the United States that
7 Japan does not want the good offices of the United
8 States in the settlement of China affairs, the
9 Japanese Government has by no means refused the
10 good offices of the President of the United States
11 and is still, as before, wishing for them.

12 "(b) The terms 'without any justifiable
13 reason' applies sic merely to the latter part of
14 point (b) of the undertaking to which Japan is
15 ready to commit itself."

16 (c) is apparently nonexistent.

17 "(d) For the purpose of preventing
18 communistic and other subversive activities
19 threatening the safety of both Japan and China and
20 also of maintaining the peace and order in China,
21 Japan and China will cooperate in the form of common
22 defense. The execution of the common defense by
23 Japan and China will contain the stationing of
24 Japanese troops for a certain period in accordance
25 with the agreements between both countries. The

1 international relations and the character of na-
2 tions, and the matter concerning the good offices
3 of the United States to the relations between
4 Japan and China.

5 "Although it seems that there is a mis-
6 understanding on the part of the United States that
7 Japan does not want the good offices of the United
8 States in the settlement of China affairs, the
9 Japanese Government has by no means refused the
10 good offices of the President of the United States
11 and is still, as before, wishing for them.

12 "(b) The terms 'without any justifiable
13 reason' applies sic merely to the latter part of
14 point (b) of the undertaking to which Japan is
15 ready to commit itself."

16 (c) is apparently nonexistent.

17 "(d) For the purpose of preventing
18 communistic and other subversive activities
19 threatening the safety of both Japan and China and
20 also of maintaining the peace and order in China,
21 Japan and China will cooperate in the form of common
22 defense. The execution of the common defense by
23 Japan and China will contain the stationing of
24 Japanese troops for a certain period in accordance
25 with the agreements between both countries. The

1 Japanese troops which have been sent to China with
2 the object of executing the China affairs will be
3 withdrawn when the said affairs have been settled.

4 "(e) The reason why the Japanese Government
5 inserted point (e) as a matter to be under-
6 taken by Japan is because the Japanese Government,
7 in view of the apprehension on the part of the
8 Government of the United States that Japan might
9 violate the American rights and interests in China,
10 wishes to show her intention of not obstructing any
11 just and equitable economic activities of the United
12 States in China. The Government of Japan will not
13 only admit the principle of nondiscrimination with
14 regard to commerce in China as well as in the
15 Southwestern Pacific Area, but also it fully respects
16 the established rights and interests of the United
17 States in China. However, it considers that the
18 especially close economic relations between Japan
19 and China natural from their geographical propinquity
20 are the same kind of relations as those which exist
21 between any other two neighboring countries. Indeed,
22 there will be no reason why the principle of close
23 economic relationship owing to the geographic pro-
24 pinquity shall not be applied to Japan's economic
25 relations with China. Accordingly, the close and

1 especial economic cooperation between Japan and China
2 within this limit will not establish so-called monopo-
3 listic or preferential rights and interests for Japan.
4 Moreover, it is firmly believed that such is a natural
5 phenomenon in our human life, and the observance of
6 this law of nature is not only a factor of bringing
7 about economic prosperity of the world, but the
8 surest way for the firm establishment of the world
9 peace.

10 "(f) Since matters relating to China, as has
11 been stated above, are covered under point (e), the
12 matter concerning Japan's economic activities in the
13 Southwestern Pacific Area was clarified under point
14 (f) in view of the fact that among other areas of the
15 Pacific the United States is most concerned with the
16 Southwestern Area of the Pacific.

17 "III. (a) The measures and actions referred to
18 in point (a) among the the proposed undertakings by
19 the United States are meant to indicate acts of the
20 United States in aid in various forms for the Chiang
21 Kai-shek regime. As for the 'good offices' of the
22 President of the United States they were referred to
23 above."

24 Five days later Prince KONOYE's private
25 secretary, Mr. USHIBA, had a conversation with the

1 Counselor of Embassy, Mr. Dooman, in which the dis-
2 cussion of the Tripartite Pact question is of particu-
3 lar interest. From Foreign Relations I offer the excerpt,
4 defense document 1400-B-8, on this point.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document
7 1400-B-8 will receive exhibit No. 2900.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 2900 and received in evidence.)

11 MR. BLAKENEY: The excerpt is as follows:

12 "Memorandum by the Counselor of Embassy in
13 Japan (Dooman), Tokyo, September 18, 1941.

14 "Mr. USHIBA called me on the telephone yes-
15 terday afternoon at my house, asking whether he could
16 call on me immediately.

17

18 "We then discussed the question of the attitude
19 of the United States and Japan respectively toward the
20 European War. Mr. USHIBA said that it was impossible
21 for Japan to give to the United States a prior under-
22 taking that it would interpret as a defensive act any
23 action on the part of the United States against Germany
24 which might lead to war between the United States and
25 Germany. He thought that the formula which had been

1 Counselor of Embassy, Mr. Dooman, in which the dis-
2 cussion of the Tripartite Pact question is of particu-
3 lar interest. From Foreign Relations I offer the excerpt,
4 defense document 1400-B-8, on this point.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document
7 1400-B-8 will receive exhibit No. 2900.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 2900 and received in evidence.)

11 MR. BLAKENEY: The excerpt is as follows:
12 "Memorandum by the Counselor of Embassy in
13 Japan (Dooman), Tokyo, September 18, 1941.

14 "Mr. USHIBA called me on the telephone yes-
15 terday afternoon at my house, asking whether he could
16 call on me immediately.

17

18 "We then discussed the question of the attitude
19 of the United States and Japan respectively toward the
20 European War. Mr. USHIBA said that it was impossible
21 for Japan to give to the United States a prior under-
22 taking that it would interpret as a defensive act any
23 action on the part of the United States against Germany
24 which might lead to war between the United States and
25 Germany. He thought that the formula which had been

1 communicated by Admiral TOYODA to Mr. Grew was about
2 as far as the Japanese Government could go prior to
3 the proposed meeting. He added, however, that an
4 understanding had been reached among the various
5 influential elements in Japan which would enable
6 Prince KONOYE to give orally and directly to the
7 President an assurance with regard to the attitude of
8 Japan which, he felt sure, would be entirely satis-
9 factory to the President. Another matter which
10 troubled him very much in this connection was pre-
11 cisely in what terms the Japanese Government would
12 explain to Germany any understanding which might
13 be reached with the United States on this point.
14 I remarked that the United States, which was com-
15 mitted to supporting the principle of the sanctity
16 of treaties, could not well request Japan to betray
17 its treaty commitments. It seemed to me, however,
18 that there was a very definite difference between
19 the Treaty of Alliance, with its rights and obligations,
20 and the formulation of policies by the concerned al-
21 lies. It followed as a matter of course that allies
22 pursued policies which served their common end, but
23 there was no obligation arising out of the Three
24 Power Alliance which required Japan to follow policies
25 which would serve exclusively the ends of Germany.

1 Could not, therefore, Japan inform Germany that
2 Japan had undertaken to pursue policies conformable
3 to those of the United States, although Japan was
4 prepared to fulfill its obligations under Article III
5 of the treaty? Technically the Alliance is a defensive
6 alliance; and it is clear from the rescript issued by
7 the Emperor at the time of the signing of the Alliance
8 that it was then considered by the Japanese Government
9 as an instrument for peace.

10 "Eugene H. Dooman."

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1 Foreign Minister TOYODA on the 22d, as he
2 reported to the Ambassador in Washington, had a talk
3 with Mr. Grew in which he disclosed the basic terms
4 for peace with China. This conversation is reported
5 in defense document 1401-Q-1, which is now offered
in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Defense document
8 1401-Q-1 will receive exhibit No. 2901.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 2901 and received in evidence.)

12 MR. BLAKENEY: I read it.

13 THE MONITOR: We haven't the Japanese copy,
14 Mr. Blakeney.

15 MR. BLAKENEY: If you haven't got it, I will
16 postpone it until after the noon recess; or do you
17 prefer that I read it now and let the Japanese be read
18 later?

19 THE PRESIDENT: I think you ought to read
20 it now. It doesn't break the Charter in any way.

21 MR. BLAKENEY: Then I will read exhibit 2901.

22 "From TOYODA to NOMURA, 22 September 1941.

23 "I asked the American Ambassador in Tokyo to
24 call on me at 4:30 p.m. on 22 September, and expressed
25

1 my opinion to the following effect. The American
2 Ambassador replied that he would convey it to the
3 home government immediately.

4 "(1) The intention of Premier KONO in
5 connection with the meeting of the two heads is evident
6 in the message to the President of the United States
7 itself.

8 "(2) His intention is that the general
9 principles shall be decided at the meeting of the two
10 heads and the details shall be left to negotiation
11 by the competent authorities of the two governments.
12 The American Government, however, takes the attitude
13 that agreement on the pending points should be reached
14 beforehand.

15 "(3) As I have repeatedly stated, the
16 Japanese Government has readily made replies to the
17 inquiries of the American Government. Explanation with
18 respect to the policy and attitude of the Japanese
19 Government has been exhausted, and it now remains
20 only to wait for the reply of the American Government.

21 "(4) The Japanese proposal which I handed to
22 the American Ambassador on 4 September not only includes
23 all the pending points, but expounds the Japanese
24 attitude covering a wider scope, and in no way narrows
25 down the original proposal of the Government of the

1 United States.

2 "(5) The American Ambassador's inquiry of
3 10 September reminded me of the fact that the Govern-
4 ment of the United States had a doubt as to using its
5 good offices to restore peace between Japan and China.
6 In this connection, I showed the American Ambassador
7 privately the basic terms of peace between Japan and
8 China. We are not taking a new position thereby,
9 but it should be taken as an explanation of the
10 Japanese proposal of 4 September. (The basic peace
11 terms which I presented will be cabled to you
12 separately as No. 590.)

13 "(6) As for the situation in Tokyo, there is
14 a great difference compared with that of a month ago,
15 as the American Ambassador, conversant with Japanese
16 affairs, must be well aware. This is an undisputed
17 truth, and I hope that the American Ambassador will
18 strongly impress the fact upon the Government of the
19 United States. The present Japanese-American negotia-
20 tions became a topic of conversation everywhere in
21 the world from about the time the news began to appear
22 in the American press, and in Japan also they have in-
23 terested a part of the general public. Meanwhile,
24 the anniversary of the conclusion of the Tripartite
25 Alliance will come within a few days. The function

1 in celebration of the anniversary will be held as
2 last year, but the government intends to have it
3 performed in as calm a way as possible. I fear, how-
4 ever, that there may be some in this country who will
5 try to seize the opportunity to arouse public opinion
6 against the Japanese-American negotiations, and also
7 that there may be some disturbances.

8 "7) The situation in Japan is very delicate,
9 as explained above. The earliest possible consent of
10 the Government of the United States to the meeting
11 under consideration, at least as a matter of prin-
12 ciple, is hopefully awaited. The situation is now
13 extremely critical. It is requested that you should
14 promptly convey the contents of the conversation to
15 the Secretary of State and report his reaction to it."

16 THE PRESIDENT: Apparently there has been a
17 Japanese translation while you were reading.
18

19 MR. BLAKENEY: Is that correct?

20 THE MONITOR: No, sir, we just explained in
21 Japanese that the Japanese copy was not being read
22 because it has not been prepared; just an explanatory
23 note, sir.

24 THE PRESIDENT: The accused are supposed to
25 hear it in Japanese.

MR. BLAKENEY: Perhaps it would be well to have

1 that by preventing a peace through the earnest
2 support which America and Britain offer, the Soviet
3 Union can hold over the winter and continue to fight
4 next spring. As to the battle of the Atlantic, it is
5 showing a favorable turn, with increasing losses of
6 submarines and consequent great decrease in shipping
7 losses. Invasion of the British Isles is becoming
8 less and less probable owing to the strengthening of
9 the Royal Air Force and fleet. It is believed that
10 the spirit of Britons can stand a long war. The war
11 on the eastern front is not so favorable for Germany
12 as her propaganda asserts, as her hesitant attitude
13 toward the Balkan countries proves. Disorder pre-
14 vails in the occupied territories, and Italy is in-
15 creasingly losing the will to fight, & strained
16 from making a separate peace only by German domination.
17 As the war is prolonged the blockade will become more
18 and more effective, as proved in the last war. The
19 over-all prospect of the war in this country is thus
20 very optimistic. If in such circumstances Germany and
21 the Soviet Union come to a separate peace and Germany
22 can shift her forces from the eastern front to the
23 British and other fronts, Britain will be further en-
24 dangered, and the United States will be concerned about
25 it. If the United States thus participates further in

1 the battle of the Atlantic she will lose more ships,
2 and the danger of war will be invited. It might be
3 possible that the United States would relax her atti-
4 tude in the Pacific in such circumstances (according
5 to this reasoning the more favorable the war situation
6 turns the more effective it will be.) From the view-
7 point of Japan a separate peace between Germany and
8 the Soviet Union and the full entry of the United
9 States into the war in the Atlantic would be contrib-
10 utory to the improvement of Japanese-American relations.

11 "The KONO Message has somewhat eased the
12 tense situation, temporarily. It has dissipated such
13 hot-headedness as was manifested in the demand of the
14 United States to 'Fight Japan First!' For the moment,
15 there is thus a lull in the situation. On the other
16 hand, the message has also had the effect of causing
17 the United States to take an increasingly greater part
18 in the Atlantic. However, the United States has not
19 in the least relaxed its economic pressure on Japan,
20 but is going ahead with its avowed policy -- a fact
21 worthy of the utmost attention. If the United States
22 continues to carry on economic warfare against Japan,
23 a measure just short of armed warfare, the United
24 States will be able to attain the objectives of a war
25 against Japan without firing a shot. This United States

1 policy toward Japan, I believe, will not be changed
2 except in the event of a great transformation in the
3 world political situation or in the event of a re-
4 versal of policy on the part of Japan. However, of
5 the three pending issues in the Japanese-American
6 negotiations, two have already been nearly settled.
7 (Mr. Hull abides by the principle of free trade and
8 regards bloc-economy as a cause of war. He is now
9 trying to make this principle prevail in regard to
10 the United Kingdom also.) The problem that remains
11 to be settled is that of the stationing of Japanese
12 troops in China. Considering, in this connection,
13 the present conditions of China, as set forth in your
14 telegram No. 622, and also considering what may come
15 in China's chaotic future, it seems to me that it will
16 be impossible for some years to come to carry out the
17 complete withdrawal of the troops.
18

19 "This is a really grave problem. I think
20 that Japanese-American understanding depends funda-
21 mentally upon that problem, and I hope that it will be
22 given further study by you. I may add that I had a
23 talk with Mr.....(two words undecipherable) He said
24 that both the President and the Secretary of State
25 sincerely desire Japanese-American understanding, and
that the question of the stationing of troops was the

only remaining issue.

1 "Perceiving that the matter is of extreme
2 importance, I have ventured to submit my views herein."

3 The Foreign Minister also took up the question
4 of the Japanese-American negotiations with the British
5 Ambassador, Sir Robert Craigie, as is shown by his re-
6 port to that effect to Ambassador NOMURA, defense
7 document 1401-V-1, which is offered in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 1401-V-1
10 will receive exhibit No. 2907.

11 (Whereupon, the document above
12 referred to was marked defense exhibit
13 No. 2907 and received in evidence.)

14 MR. BLAKENEY: I read the exhibit:

15 "From TOYODA to NOMURA
16 "3 October 1941

17 "On 28 September I revealed my general
18 opinion with regard to the Japanese-American problems
19 to British Ambassador Craigie, who is expected short-
20 ly to travel to the United States on leave. (He was
21 to leave Nagasaki on the 30th to take the S.S.
22 President Coolidge at Shanghai on 4 October, but it
23 seems that his departure has been postponed by three
24 weeks or so owing to the illness of the counsellor

1 who is to be Charge d'affaires while he is away.) I
2 requested him to ask Ambassador Grew for detailed
3 explanations. It seems that he had a talk with the
4 American Ambassador in the evening of the same day.
5 According to reliable information, the British
6 Ambassador has explained to Foreign Minister Eden
7 and Ambassador Halifax the necessity of prompt con-
8 clusion of the Japanese-American negotiations, and
9 has submitted his opinion as summarized in telegram
10 No. 628 which will be sent separately. In view of
11 the source, this information is for you exclusively."

12 Ambassador Craigie's report to his govern-
13 ment on conditions in Japan, defense document 1844,
14 is offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1844
17 will receive exhibit No. 2908.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 2908 and received in evidence.)

21 MR. BLAKENEY: I point out before reading the
22 exhibit that, as is common with decoded messages, of
23 which this is shown to be one by the certificate,
24 there are several cryptic passages (with conjectural
25 readings supplied by the cryptographer) resulting

1 presumably from imperfect decoding.

2 "From: Craigie, Tokyo

3 "To: Eden, London

4 "September 30th, 4:20 A.M., 1941

5 "Summary:

6 "Japan is in haste. America is playing for
7 time, without taking due note of the situation in
8 Japan. KONO sincerely desires to steer clear of
9 Axis dangers.

10 "The present moment is the best chance of
11 settling Far Eastern question.

12 "Meantime, continue economic reprisals in
13 full vigour.

14 "Torch.

15 "Addressed to Foreign Office No. 1853,
16 September 29th, repeated to Washington No. 293,
17 'Torch' No. 160. Your telegram No. 1187.

18 "Secret.

19 "While I find myself in general agreement
20 with the views expressed, I do not think this telegram
21 tells the whole story, and, to bring the narrative up
22 to date, I would submit the following observations.

23 "(2) I do not question the view that Japan's
24 motives may be mixed, but is this in itself a reason
25 for doing nothing to encourage Japan along the new

1 path on which the present Government have now entered?
2 Even assuming Japanese policy to be actuated solely by
3 the idea that identical ambitions can for the moment
4 best be served by a change of technique (a view to
5 which I do not altogether subscribe), there is no
6 chance of Japan's expansionist aims being realized in
7 the immediate postwar future, once Germany has been
8 defeated. For this reason and because to keep Japan
9 neutral will contribute to the defeat of Germany, I
10 venture the opinion that post-mortem on our horizon
11 (? part) may legitimately be bounded by limits of
12 war

13 "(3) As regards your reference to the last
14 paragraph of my despatch No. 270, it will be appreci-
15 ated that this was written at a time when Mr.
16 MATSUOKA was still Foreign Minister. With his depart-
17 ure, a very considerable -- brief notable (?) but a
18 radical -- change has occurred in the political
19 situation here, and there exists a more real prospect
20 than at that time of setting in motion a steady swing
21 away from the Axis and towards more moderate policies.

22 "(4) The all-important question at the
23 moment is the discussion now proceeding between the
24 United States and the Japanese Government. The main
25 difficulty appears to be that, while the Japanese

1 want speed and cannot yet afford to go beyond
2 generalizations, the Americans seem to be playing
3 for time and to demand the utmost precision in
4 definition before agreeing to any contract for a
5 step of rapprochement. This (? There is) reason to
6 believe that the American requirement undoubtedly
7 makes little account of Japanese psychology or of
8 the internal situation here, which brooks of no delay.
9 If persisted in, it bids fair to wreck the best chance
10 of bringing about a just settlement of Far Eastern
11 issues, which has occurred since my arrival in Japan.

12 "(5) My United States colleague and I con-
13 sider that Prince KONOYE is telephone (? most) sincere
14 in his desire to avert the dangers towards which he
15 now sees the Tripartite Pact and the Axis connection
16 (for which he naturally accepts his share of respons-
17 ibility) are rapidly leading Japan. But the strength
18 of the opposition to his new policy, nurtured by the
19 anniversary of the strategical reconnaissance
20 (? reminders) of the Tripartite Pact, leads the Japa-
21 nese Government to feel that they can only retain a
22 sufficient body of supporters for this policy and
23 face decidedly (? the risk of arousing the) wrath
24 of their Axis partners, if some overt and striking
25 sign of progress in the discussions can be given at

1 an early date. The Prime Minister has staked his
2 political future on this move and concurs (? drift).
3 Despite the Emperor's strong backing, I doubt if he
4 and his Government British Consular Officer (? can)
5 survive if the discussions prove abortive or drag on
6 unduly.

7 "(6) Admittedly there are entails (? danger-
8 our factors) in the situation baggage (? from these)
9 points of view: (a) A preliminary agreement merely
10 on general principles may contain seeds of future mis-
11 understanding when the details come to be worked out;
12 (b) there is a danger of suspicion and discouragement
13 at Chungking if the preliminaries about general princ-
14 iples contain any ambiguity on the subject of peace
15 terms to be offered to China; (c) partisans of the
16 Axis in Japan are still very strong both numerically
17 and vocally, and we cannot exclude the possibility
18 that so radical a change in foreign policy if_all
19 (? may) precipitate serious internal trouble, with
20 the German Fifth Column at the bottom of it; (d)
21 finally, America's interests in the Far East are not
22 wholly identical with ours and, when the time comes
23 for consultation, divergences of view may be found to
24 exist. But the risks must be faced either_repaired
25 (? in any case) and my United States colleague and I

1 are firmly of the opinion that on balance this is a
2 chance which it would be illegal (? inexcusable)
3 folly to let slip. Caution must be exercised, but an
4 excessive cynicism brings stagnation.

5 "(7) Meantime, it goes without saying that
6 we should maintain the full vigour of our economic
7 reprisal until such time as concrete evidence of a
8 change of Japanese policy is forthcoming, i.e., until
9 there begins that practical application of Prince
10 KONOYE'S general principles which alone can justify
11 the making of concrete concessions on our part."

12 The next document in order, 1401-I-1, is
13 withdrawn.

14 On 7 October Prince KONOYE'S private secre-
15 tary called on the Counselor of the American Embassy
16 to state the feeling of the Japanese at that time.
17 I offer in evidence an excerpt from the conversation,
18 taken from Foreign Relations, being defense document
19 1400-T-6.

20 THE PRESIDENT: Admitted on the usual terms

21 CLERK OF THE COURT: Defense document
22 1400-T-6 will receive exhibit No. 2909.

23 (Whereupon, the document above
24 referred to was marked defense exhibit
25 No. 2909 and received in evidence.)

1 MAJOR BLAKENEY: The excerpt is as follows:
2 "Memorandum by the Counselor of Embassy in
3 Japan (Dooman).

4 "Tokyo, October 7, 1941.
5 "In reply to a request by telephone yester-
6 day from Mr. USHIBA, I suggested that he breakfast
7 with me this morning at my house."

8

9 "Mr. USHIBA went on to say that pessimism
10 in Japanese official quarters had been strengthened
11 by failure on the part of the American Government
12 to lay any of its cards on the table. It was true
13 that the American Government had given a full pre-
14 sentation of its principles, but it had not pre-
15 cisely specified what it wanted the Japanese Govern-
16 ment to undertake. Although several months had
17 elapsed since the conversations began, the apparently
18 great care being taken by the American Government
19 not to give the Japanese any specifications was
20 extremely discouraging. Since the receipt of the
21 last American memorandum (October 2) an increasing
22 number of persons in Japanese Government circles were
23 of the opinion that Japan had fallen into a trap,
24 the argument running somewhat as follows -- the United
25 States never had any intention of coming to any agree-

ment with Japan; it has now got from Japan an exposition of Japanese policies and objectives; those policies and objectives are not in line with American policies and objectives; and there is therefore no justification for refusing to make an agreement with Japan and for continuing to maintain an attitude of quasi-hostility against Japan."

"Eugene H. Dooman."

9
10 An excerpt from conversation of American
11 Ambassador Grew with the Chief of the American Bureau
12 of the Foreign Ministry of 8 October is offered in
13 evidence as defense document 1400-V-6, from Foreign
14 Relations.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1400-
17 V-6 will receive Exhibit Number 2910.

18 (Whereupon the document above re-
19 ferred to was marked Exhibit No. 2910, and
20 received in evidence.)

21 MAJOR BLAKENEY: I read the excerpt:
22 "Memorandum by the Ambassador in Japan (Grew).

23 "Tokyo, October 8, 1941.
24 "Mr. TERASAKI, Chief of the American Bureau
25 of the Foreign Office, called on me this afternoon,

1
2 at his request, and asked if I had read the full
3 text of the Department's memorandum of October 2
4 which he had lent us for perusal."

5
6 "Mr. TERASAKI then asked what particular
7 points impressed me in connection with the desires
8 of the United States for action by Japan in order to
9 reach a mutual agreement. I replied that without
10 having the actual document before me I could not
11 undertake to cover all the points presented, but
12 that personally and off the record I might say that
13 three of the points which had particularly caught
14 my eye were (1) the withdrawal of Japanese troops
15 from China; (2) application to the entire area of
16 the Pacific of certain of the Japanese assurances
17 which appeared to be limited to the southwestern
18 Pacific, and (3) the special privileges claimed by
19 Japan as a result of her geographical propinquity
20 to China."

21
22 ". . . In the conversations it had developed
23 that it was the desire of the Japanese Government to
24 leave troops for a stated period in North China, Mon-
25 golia and possibly other areas and I pointed out to

Mr. TERASAKI the unfortunate experiences which we

1 had met in times past through the failure of various
2 Japanese Governments to carry out assurances given
3 us in apparent good faith."

4

5 "Joseph C. Grew."

6 On the 13th of October the Under-Secretary
7 of State of the United States had a conversation with
8 the Japanese Minister in Washington, an excerpt from
9 which, taken from Foreign Relations, is offered in
10 evidence as defense document 1400-X-6.

11 THE PRESIDENT: Admitted on the usual terms.

12 CLERK OF THE COURT: Defense document 1400-
13 X-6 will receive Exhibit No. 2911.

14 (Whereupon the document above re-
15 ferred to was marked Exhibit No. 2911 and
16 received in evidence.)

17 MAJOR BLAKENEY: It follows:

18 "Memorandum by the Under-Secretary of State
19 (Welles). Washington, October 13, 1941.

20 "Mr. WAKASUGI, the Minister-Counselor of the
21 Japanese Embassy, called to see me this afternoon at
22 his request."

24

25 "The Minister then brought up the question
of evacuation of Japanese troops from China. He

1 said that the Japanese Government was willing to
2 evacuate all of its troops from China. (Thinking
3 I had misunderstood him I asked him to repeat this
4 statement, which he did, in the same terms, twice.)
5 He said, however, that it was impossible for the
6 Japanese Government after four years of military
7 operations in China to undertake to withdraw its
8 entire troops from China within twenty-four hours.
9 I said that of course nobody expected miracles in
10 this modern age."

11

12 "Sumner Welles".

13 At the time of the resignation of the third
14 KONO Ministry an explanation of the situation was
15 given to the Counselor of the American Embassy by
16 Prince KONO'S private secretary. Part of the con-
17 versation was reproduced in defense document 1400-Y-6,
18 an excerpt from Foreign Relations, which is offered
19 in evidence.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1400-
22 Y-6 will receive Exhibit No. 2912.

23 (Whereupon the document above re-
24 ferred to was marked Exhibit No. 2912 and
25 received in evidence.)

1 MAJOR BLAKENEY: I read the excerpt:
2 "Memorandum by the Counselor of Embassy
3 in Japan (Dooman). Tokyo, October 17, 1941.

4 "Mr. USHIBA telephoned me early this morning
5 while I was still dressing and asked whether he might
6 call on me at my house."

7
8 "The Secretary's memorandum of October 2 which
9 had been handed to the Japanese Ambassador in Washing-
10 ton had been a great disappointment to the KONOYE Cab-
11 inet and the impression had been created inside the
12 Cabinet that the road had been blocked to any hopes
13 that the present conversations could be successfully
14 concluded. Prince KONOYE about a week ago had decid-
15 ed to resign in view of the internal situation in
16 Japan. At that time it appeared inevitable that the
17 succeeding Cabinet would be one of an extremist nature
18 but Prince KONOYE through intensive effort and 'by a
19 miracle' had in recent days been successful in ensur-
20 ing that the government to succeed him would be com-
21 posed of persons who did not subscribe to the prin-
22 ciple that the conversations with the United States
23 should be broken off.

24
25 "No Japanese civilian statesman will under-
take the task in which Prince KONOYE has failed and

1 consequently the succeeding Cabinet must be headed
2 by an Army officer and will be composed primarily
3 of military men. The new Cabinet may even appear
4 to be extremist to persons unacquainted with the
5 set-up of the various groups within the Japanese
6 Army and other factions having influence in the
7 Government. However, Prince Konoye entertains
8 the hope that the Ambassador will stress to the
9 Government of the United States that too great
10 importance should not be given to the outward
11 appearance of the new Cabinet. Prince KONOYE also
12 desires the Ambassador to understand that he would
13 not have tendered his resignation at this moment
14 without having convinced himself that the succeed-
15 ing Prime Minister would be equally desirous of
16 adjusting Japanese-American relations."

17
18 "I said that it was a great pity that Prince
19 KONOYE had felt it necessary to resign, as the con-
20 versations in Washington were still in progress, the
21 recent call of Mr. WAKASUGI on the Under-Secretary
22 of State having had, in my opinion, good results
23 toward further clarifying the position of the
24 Japanese Government. Mr. USHIBA said that he hoped
25 some day to be able to tell me of the events which

1 had led to the Cabinet's resignation, but that all
2 that he could say for the present was that Prince
3 KONOYE had taken the decision in the confident belief
4 that he could thus bring the conversations to a success-
5 ful conclusion."

6

7 "Eugene H. Dooman."

8 Additional excerpt from the Memoirs of
9 Prince KONOYE showing the development of the situation
10 which finally led to the resignation of the Premier
11 and his Cabinet, is offered in evidence. The excerpt,
12 taken from Vol 20 of the Pearl Harbor Attack, is
13 defense document 1500-Y-5.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document 1500-Y-5
16 will receive Exhibit Number 2913.

17 (Whereupon the document above re-
18 ferred to was marked Exhibit No. 2913 and
19 received in evidence.)

20 MAJOR BLAKENEY: I shall read the entire
21 excerpt:

22 "After Japan's final comprehensive plan had
23 been determined upon at the joint conference of
24 September 20th, the activities of the Government
25 frequently began to show an acute seriousness. This

1 was by reason of the balance struck between the pro-
2 gress of Japanese-American negotiations on the one
3 hand and on the outline of national policy determined
4 upon in the conference that was held on September 6th
5 in the presence of the Emperor. On September 24th
6 and 25th, I held conferences for two days with the
7 War Minister, the Navy Mainister and the Foreign
8 Minister and the President of the Cabinet Planning
9 Board. From the 27th to October 1st, I took a rest
10 at Kamakura, but during that time I called the Navy
11 Minister, OIKAWA, and asked in detail concerning the
12 atmosphere in his circle. Upon the arrival of the
13 American memorandum of October 2nd, I went to the
14 Imperial Palace on the 4th. Afterwards, driving away
15 a group of bureau chiefs, I held a liaison conference
16 with only the Cabinet Ministers and the leaders of the
17 Supreme Command. On the evening of the 5th, I asked
18 the War Minister to come to my house in Ogikubo,
19 and expressed my opinion that I would continue nego-
20 tiations to the very end.
21

22 "Late on the night of the 7th, the War Min-
23 ister visited me in my Japanese-style rooms, and
24 declared, 'as to the problem of withdrawing troops
25 from China, such a formality as to once withdraw --
in principle -- all troops and after that to station

them there, as insisted upon by the United States,
1 is something that is difficult for the Army to submit
2 to.' In view of the stiff attitude of the Army, on
3 both the 6th and 8th, I conferred separately with the
4 Minister of the Navy and with the Foreign Minister,
5 and deliberated with them on the methods of avoiding
6 a crisis. The Foreign Minister further visited me
7 twice on the 10th, and we spoke intimately on how we
8 might somehow or other continue the negotiations.
9 The joint conference also held a meeting on October
10 11th. During this time the movements of the three
11 chokan (the President of the Cabinet Planning Board,
12 the Director of the Bureau of Legislation, and the
13 Chief Secretary of the Board) and especially of
14 President SUZUKI (of the Cabinet Planning Board)
15 became objects of attention.

16
17 "October 12. My fiftieth birthday. In spite
18 of its being Sunday, early in the afternoon I gather-
19 ed together the three ministers, the Minister of War,
20 the Minister of the Navy and the Foreign Minister,
21 together with President SUZUKI of the Cabinet Planning
22 Board, at Ogikubo, and held with them almost the last
23 conference relative to peace or war. Before this
24 meeting there was previous notification from the
25 Chief of the Military Affairs Bureau of the Navy

1 to the Chief Secretary of the Cabinet as follows:
2 'The Navy does not desire a rupture in the negotia-
3 tions. Thus it wishes as much as possible to avoid
4 war. But as far as the Navy is concerned it can not
5 of itself bring this openly to the surface and say so.
6 At today's conference the Navy Minister is expected
7 to say that the decision for peace or war is entirely
8 up to the Premier, so I beg you to keep this matter
9 in your mind.'

10 "Surely enough, at the very beginning there
11 were the following opening remarks by the Minister
12 of the Navy: 'We have now indeed come to the cross-
13 roads where we must determine either upon peace or
14 war. I should like to leave this decision entirely
15 up to the Premier, and, if we are to seek peace, we
16 shall go all the way for peace. Thus, even if we
17 make a few concessions, we ought to proceed all the
18 way with the policy of bringing the negotiations to
19 fruition. If in the midst of negotiations -- after
20 negotiations have gone on for two or three months,
21 one says that "they won't do from any point of view,"
22 and "well, we've got to have war now," -- the Navy
23 will be put to inconvenience. If we are to have war,
24 we must determine upon war here and now. Now is the
25 time. We are now at the final moment of decision."

1 If we decide that we are not to have war, I should
2 like to have us proceed upon the policy that we will
3 bring negotiations to fruition no matter what happens.¹
4 To this I said, 'If we were to say that we must
5 determine on war or peace, here, today, I myself
6 would decide on continuing the negotiations.' But
7 the Minister of War said, 'This decision of the
8 Premier's is too hasty. Properly speaking, ought
9 we not to determine here whether or not there is
10 any possibility of bringing the negotiations to
11 fruition? To carry on negotiations for which there
12 is no possibility of fruition, and in the end to let
13 slip the time for fighting, would be a matter of the
14 greatest consequence. In fact, does the Foreign
15 Minister think that there is any possibility or
16 not of bringing the negotiations to fruition?' Thus,
17 turning to the Foreign Minister, he asked this ques-
18 tion, whereupon the Foreign Minister replied, 'That
19 depends entirely on the conditions. The most diffi-
20 cult point in the problem today, I believe, is the
21 matter of stationing troops in China, but if in
22 this regard the Army says that it will not retreat
23 one step from its former assertions, then there is
24 no hope in the negotiations. But if on this point
25 the Army states that it would be all right to make

1 concessions, however small they may be, then we
2 can not say that there is no hope of bringing the
3 negotiations to fruition.' But the Minister of
4 War said in answer to this, 'The problem of the
5 stationing of troops in itself means the life of
6 the Army, and we shall not be able to make any
7 concessions at all.' I said, 'At this time isn't
8 it all right to forget about the glory but to take
9 the fruits; perform the formalities as America
10 wants, and achieve a result that will in actuality
11 be the same as "stationing troops?"' To this,
12 the Minister of War did not yield, and in the
13 end, though the conference lasted from two o'clock
14 until six o'clock, we did not arrive at any con-
15 clusion and adjourned.

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"On the next day, the 13th, I went to the
1 Palace and made a detailed report on the crisis which
2 the Cabinet was facing. Then I spoke intimately with
3 the Lord Keeper of the Privy Seal, Marquis KIDO. On
4 the following day, the 14th, at nine o'clock in the
5 morning, prior to the meeting of the Cabinet, I asked
6 the Minister of War to come to my official residence
7 and once again asked his considered opinion concern-
8 ing the problem of the stationing of troops. I said,
9 'I have a very great responsibility for the China In-
10 cident, and today, when this Incident has lasted four
11 years and still sees no settlement, I find it diffi-
12 cult to agree, no matter what is said, to enter upon
13 a great war the future of which I cannot at all fore-
14 see. On this occasion, we ought to give in for a time,
15 grant to them, the United States, the formality of
16 withdrawing troops, and save ourselves from the crisis
17 of a Japanese-American war. Moreover, I believe that
18 on this occasion both from the point of view of the
19 nation's strength and from the point of view of the
20 people's thinking it is necessary to end the China
21 Incident. The advancement and development of the
22 nation are, of course, things that we should aspire
23 to, but in order to develop greatly we need also at
24 times to fall back and cultivate the national strength.'

1 Thus did I declare my sincerest feelings and explain
2 them to the Minister of War. To this the Minister of
3 War declared, 'If at this time we yield to the United
4 States, she will take steps that are more and more
5 high-handed, and will probably find no place to stop.
6 The problem of withdrawing troops is one, you say, of
7 forgetting the honor and of seizing the fruits, but,
8 to this, I find it difficult to agree from the point
9 of view of maintaining the fighting spirit of the
10 Army.' Thus he insisted and did not move from his
11 position. Therefore, my talk with the Minister of War
12 ended at odds, and as soon as possible as the meeting
13 of the Cabinet opened, the Minister of War strongly
14 and excitedly set forth the reasons why the Japanese-
15 American negotiations should no longer be continued.
16

17 "These opening remarks of the Minister of War
18 were so sudden that the other Cabinet Ministers were
19 somewhat taken aback and there was no one who would
20 open his mouth to answer. The Cabinet meeting, after
21 settling other subjects for discussion, made no refer-
22 ence to this problem of continuing negotiations, and
23 adjourned."

24 Reporting to the meeting of Senior Statesmen
25 convened after the resignation of his government,
Prince KONO gave an explanation of the details of the

1 cabinet resignation and the progress of the Japanese-
2 American negotiations which is of interest as being a
3 succinct summary of the position as it then stood.
4 This explanation, in the form of a further excerpt
5 from the Prince's memoirs, is offered in evidence:
6 defense document 1500-A-6.

7 THE PRESIDENT: Admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 1500-A-6
9 will receive exhibit No. 2914.

10 (Whereupon, the document above referred
11 to was marked defense exhibit 2914 and received
12 in evidence.)

13 MR. BLAKENEY: I shall read the excerpt.

14 "The Details of the Cabinet Resignation and
15 the Progress of Japan-American Diplomatic Negotiations
16 Under the Direction of the Council of Senior Statesmen
17 Following the Resignation of the Third KONOYE Cabinet.

18 "I. Differences between the Viewpoint of the
19 Government and the Army.

20 "1. Concerning the 'Decisions Reached at the
21 Council in the Imperial Presence: 'Clause 3 of the
22 Plans for the Prosecution of the Imperial Program,' as
23 decided upon at the Council in the Imperial Presence
24 on September 6th, states: "If by the early part of
25 October, there is no reasonable hope to have our demands
agreed to, we will immediately make up our minds to

1 get ready for war against America, England and Holland.
2 The Army takes the position that the progress of the
3 negotiations with America in the early part of October
4 impels us to decide that 'there is no reasonable hope
5 to have our demands agreed to,' as referred to in the
6 said article and that, therefore, the conclusion is
7 inevitable that by the middle or end of October we 'must
8 make up our minds to ready for war.'

9 "The Cabinet contends that not only have the
10 diplomatic negotiations not reached a hopeless state,
11 but that in the light of the diplomatic documents which
12 we have received from America and many other reports,
13 the American Government also entertains considerable
14 hope of arriving at a satisfactory agreement. How-
15 ever, that Government harbors certain misunderstand-
16 ings and suspicions (for example, the Army's gradual
17 infiltration into Northern Indo-China in the early part
18 of October, though, of course, this was carried out
19 in harmony with definite treaty stipulations); is in
20 fluenced by the deliberate misrepresentations of cer-
21 tain Third Powers, or is carefully watching the future
22 of the International situation, especially of the
23 European War. There are also activities on the part
24 of strong anti-Japanese elements in the Far Eastern
25 Sections of the State Department, activities which have

1 covered up the true feelings of the President and
2 Secretary of State Hull. In view of these facts, we
3 can not decide that there is no hope of successful
4 negotiations even with the present conditions as sug-
5 gested by us, if time is allowed for the conduct of
6 the negotiations. Especially, if we could get our
7 Army authorities to relax their position somewhat,
8 namely, with reference to the withdrawal of troops,
9 we believe that there is a good possibility of reach-
10 ing an agreement.

11 "The Army feels that although the early part
12 of October is the ideal time for us to decide on war
13 in harmony with the demands of the Supreme Command,
14 it can defer it till the middle of the month, but by
15 all means not later than the latter part of the month.
16 Otherwise, the Army feels itself seriously handicapped
17 in the event of war. It therefore rigidly adheres to
18 the middle of the month, the latter part of October,
19 as the time to decide upon war, should war be decided
20 upon, and this is a point that must ever be kept in
21 mind.

22 "2. The obstacles in the negotiations with
23 America (especially the problem of the withdrawal of
24 troops); Diplomatic negotiations are still proceeding
25 with America and while the true intentions of that
country are not clear the following three points may

1 be listed as the major unsolved problems

2 "(1) The problem of stationing or withdrawal
3 of troops from China.

4 "(2) Japan's attitude toward the Tripartite
5 Pact.

6 "(3) The problem of non-discriminatory trade
7 in the Pacific area.

8 "Among the three, it is clear to all that the
9 outstanding problem is the withdrawal of troops. In
10 other words, that problem is really the one problem,
11 the negotiations with America.

12 "A summary of the Army's attitude concerning
13 the withdrawal of troops is as follows:

14 "Our Government's terms for a Sino-Japanese
15 peace, as indicated to America, are very liberal, in-
16asmuch as they include the principles of no annexation
17 and no reparations. They merely insist on the station-
18 ing of troops in certain areas for a stipulated period
19 in order to facilitate cooperation with China in pre-
20 venting the inroads of communism and any other move-
21 ments tending to disrupt the present order. It is
22 evident that these dangers are a threat to the safety
23 of both Japan and China and to the welfare and pros-
24 perity of the peoples of both countries. These measures
25 are also vitally necessary for the economic develop-

1 ment of the country. It is, of course, understood that
2 all troops not necessary for the above purposes will
3 be withdrawn as soon as the China Incident is brought
4 to a close. In view of the above, the stationing of
5 troops in China is an absolutely necessary stipulation.
6 In other words, the Army insists that this point is a
7 consideration of first importance and that the station-
8 ing of these troops in China is, after all, the one
9 and only tangible result of the China Incident. It
10 follows that the Army can not agree to any plan which
11 envisages the giving up of the right to station troops
12 in China. If our troops' withdrawal from China is
13 carried out, the Army will be overcome by a spirit of
14 defeatism and it will be impossible to preserve its
15 morale.

16 "On the other hand, the final position of
17 America on this matter of stationing troops is not yet
18 clear. It may be possible if we give time for further
19 negotiations to have our terms for the China problem
20 agreed to by America. Up to the present, the American
21 position in this matter seems to be as follows:

22 "(1) Japan is to agree in principle to the
23 withdrawal of troops. (The matter of stationing troops
24 in China must be decided after the principle has been
25 accepted.) It is not clear at the present moment

1 whether America will agree to the stationing of troops
2 in China, but in the light of the negotiations so far
3 conducted, America's position does not seem to be en-
4 tirely negative in the matter.

5 "(2) America desires to be assured of Japan's
6 sincerity in the matter of the withdrawal of troops.
7 For instance, Under-Secretary Welles stated to Minis-
8 ter WAKASUGI in Washington that if Japan was sincere
9 in her decision to withdraw the troops, America was
10 willing to give more consideration to the manner in
11 which this should be done.

12 "In the light of the above, the Cabinet's
13 position in regard to the withdrawal of troops is
14 as follows:

15 "(1) Diplomatic negotiations should be con-
16 tinued for a longer period.

17 "(2) We understand, of course, that the
18 stationing of troops in China is a very necessary con-
19 sideration. However, if the success or failure of the
20 present negotiations hangs on this one problem, the
21 Cabinet holds the view that it would be better for us
22 to agree to the American formula for the withdrawal
23 of troops and yet secure stationing of troops in China
24 for a specified period."

25 At this point I propose to call a witness,

1 and I must point out to the Tribunal that I have
2 failed to comply wholly with the rule for service of
3 affidavits. However, I am advised by the prosecution
4 that they will have no objection to waiving the rule
5 to the extent of permitting me to put the witness on
6 the stand, they to reserve their objections both to
7 the affidavit and to the documents until the 24-hour
period to which they are entitled has elapsed.

8 Mr. Tavenner tells me he is mistaken. He
9 doesn't wish to make any reservation; he is prepared
10 to go ahead.

11 Of course the Tribunal also has not had the
12 document for the required period of three days, but
13 I believe in the circumstances it will find no diffi-
14 culty in permitting me to go ahead.

15 THE PRESIDENT: There is no desire on the
16 part of the Tribunal to prevent you from proceeding.

17 MR. BLAKENEY: I therefore call as a witness
18 YAMOMOTO Kumaichi, whose testimony is embodied in his
19 affidavit, defense document 2014.

20 THE PRESIDENT: You are still on your former
21 oath, Witness.

22 Mr. Brannon.

23 MR. BRANNON: If the Tribunal please, I have
24 been instructed by the accused former Admiral SHIMADA
25 and OKA to inform the Tribunal that they strongly

1 differ with certain statements contained in defense
2 document 2014, the affidavit of YAMOMOTO Kumaichi,
3 about to be read. Therefore, they do not wish the
4 Tribunal to consider this testimony as offered in their
5 behalf, even though it appears in a general phase.

6 THE PRESIDENT: Mr. Tavenner.

7 MR. TAVENNER: If the Tribunal please, when
8 an affidavit is produced and entered in evidence in a
9 general phase, I would take it that it would be evi-
10 dence for all of them unless counsel for a particular
11 accused points out by cross-examination wherein he
12 differs with the assertions of the witness. If that
13 isn't done, then I think the evidence should be reser-
14 ved until the individual phase of the case is reached.

15 THE PRESIDENT: We understand that the evidence
16 given in the general phase is the evidence for all the
17 accused.

18 MR. BRANNON: If the Tribunal please, we do
19 not wish to be placed in the position of having to
20 accept the testimony of any one witness as our evi-
21 dence.

22 THE PRESIDENT: We must reconsider how far
23 we are going to allow this evidence on behalf of some
24 to be tendered in the general phase.

25 MR. BRANNON: We simply don't want to be in
the position of impeaching our own evidence later on

1 in the individual phase. Therefore we inform the
2 Tribunal now that we do not adhere to this evidence.

3 THE PRESIDENT: Major Blakeney, if you per-
4 sist in offering this evidence in the general phase,
5 we would like to hear you shortly on the reason why it
6 should be accepted at this stage.

7 MR. BLAKENEY: Mr. Brooks would like to say
8 a word first, if agreeable.

9 MR. BROOKS: It has been my understanding,
10 and I believe the understanding of most of the defense
11 attorneys, that the evidence put in in the general
12 phase was general evidence affecting most of the accused,
13 not all of them, because there have been no instances
14 that I recall where the majority of the evidence has
15 affected every accused. Some of them were not even --

16 THE PRESIDENT: I have stated the contrary
17 at least twice without hearing any dissent that I re-
18 collect.

19 MR. BROOKS: On particular pieces of evidence
20 when your Honor has spoken that has been true; but
21 there have been times when the accused in many instances
22 were retired from military and political life when
23 other bits of evidence went in that did not affect
24 them, either for or against.

25 THE PRESIDENT: The question could not arise

1 in the individual phase. Therefore we inform the
2 Tribunal now that we do not adhere to this evidence.

3 THE PRESIDENT: Major Blakeney, if you per-
4 sist in offering this evidence in the general phase,
5 we would like to hear you shortly on the reason why it
6 should be accepted at this stage.

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10 and I believe the understanding of most of the defense
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13 not all of them, because there have been no instances
14 that I recall where the majority of the evidence has
15 affected every accused. Some of them were not even --

16 THE PRESIDENT: I have stated the contrary
17 at least twice without hearing any dissent that I re-
18 collect.

19 MR. BROOKS: On particular pieces of evidence
20 when your Honor has spoken that has been true; but
21 there have been times when the accused in many instances
22 were retired from military and political life when
23 other bits of evidence went in that did not affect
24 them, either for or against.

25 THE PRESIDENT: The question could not arise

1 as regards accused of that kind.

2 MR. BROOKS: Well, I have in mind one of my
3 accused in particular who was Governor General in
4 Korea at the time. He wasn't even in Japan at the
5 time, certainly not in any of these consultations.

6 THE PRESIDENT: If the evidence is neither
7 for him nor against him, I cannot see how any ques-
8 tion can arise.

9 MR. BROOKS: I was just meeting the proposi-
10 tion of the Court that this evidence was being put in
11 in his behalf, that it was to be used against him.
12 I haven't said anything because it doesn't affect him
13 one way or the other, and I thought the Court was con-
14 sidering that.

15 THE PRESIDENT: We are concerned with the
16 practical question, not the academic one.

17 We will recess for fifteen minutes.

18 (Whereupon, at 1445, a recess was
19 taken until 1505, after which the proceedings were
20 resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.
3
4 MR. BLAKENEY: The Tribunal had asked that
5 I reply to Mr. Tavenner's remarks. I think in the
6 first place I should point out what perhaps was not
7 clear from the statement by Mr. Brannon but what, at
8 any r; e, I am authorized by him to say: that the
9 two defendants for whom he noted his reservation do
10 not object -- do not dissent from the testimony of
11 this witness in toto, rather they wish to reserve
12 the right of offering inconsistent evidence on some
13 points contained in the testimony of this witness
14 which reservation, of course, they would have to
15 make otherwise the later attempt would constitute an
attempt to impeach their own witness.

16 We have, I might say, ample precedent in
17 this proceeding for this type of procedure. For
18 example, in the case of the witness TANAKA, Ryukichi,
19 who was called on behalf of the defense in the Russian
20 phase on the 21st of May, it was stated to the Tribunal
21 on page 22,713 of the record that three defendants
22 intending to attack the credibility of this witness
23 at a later date did not join in calling him as a
24 witness. Although objection was made to some points
25 in the affidavit, no objection was offered in that

connection and the testimony was accepted by the
1
Tribunal.
2

3 THE PRESIDENT: Mr. Blakeney, we deal with
4 objections made to us. We do not raise objections
5 except on such points as repetitiveness, repetition.
6

7 MR. BLAKENEY: I mentioned the absence of
8 objection only because in one or two instances that
9 I remember the defense or I myself have been told
10 that we had lost our rights by waiving, by not using
them.

11 THE PRESIDENT: The objection is taken now
12 and we must deal with it.

13 MR. BLAKENEY: We have also by way of
14 precedent several questions in connection with
15 opening statements to which I wish to make reference
16 briefly. At the time of the presentation of the
17 general defense opening statement on the 24th of
18 February the Tribunal was advised by Mr. Logan on
19 page 17,004 of the record that -- I am paraphrasing --
20 the defense had tried so far as possible to state
21 the facts to be proved to the satisfaction of all
22 accused but that some of those accused necessarily
23 in the circumstances of this case would take issue
24 with various statements of fact, reasonings and
25 evidence to be produced.

1 THE PRESIDENT: What opening was that?

2 MR. BLAKENEY: This was the general defense
3 opening statement. This was prior to the delivery
4 of the general opening statement.

5 THE PRESIDENT: This is the first time that
6 we have had occasion to rely on that.

7 MR. BLAKENEY: I have already mentioned the
8 one precedent which I was able to turn up in the ten-
9 minute recess but there may have been others; I do
10 not know.

11 THE PRESIDENT: In that one apparently
12 there was no objection; the Court did not act on it.

13 MR. BLAKENEY: I think the reason there was
14 no objection, if I may say so, is what I am now
15 trying to point out to the Tribunal that the objec-
16 tion was made, the matter argued out fully at this
17 time of the opening statement. Upon objection of
18 the prosecution made at that time, objection made to
19 the remarks of Mr. Logan which I have just quoted,
20 the Tribunal requested that it be given the names
21 of those who dissented from the opening statements.
22 In response the names were given of five defendants
23 who dissented -- or I should say who disassociated
24 themselves from that opening statement in toto. It
25 being then stated by one or two other defendants

1 that they would reserve the right to object and to
2 present inconsistent evidence in certain matters
3 covered by the general opening, the prosecution
4 again renewed its request to know on whose behalf
the opening was made.

5 THE PRESIDENT: We are not interested in
6 what passed in the absence of any objection. We are
7 interested in knowing whether we have decided your
8 way on this point before and if we have I suppose
9 we will have to decide that way again.
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1 MR. BLAKENEY: I thought I had made it
2 clear that Mr. Tavenner on that occasion raised
3 precisely the same objection that he is raising
4 now, and the result of the discussion was that
5 the Tribunal, speaking through the President,
6 ordered the opening statement read with the
7 reservations already noted; page 17,010 of the
8 record. Again, on page 17014 of the record, which
9 is in the opening statement itself, we find the
10 following statement: --

10
11 THE PRESIDENT: Your paraphrase may be
12 perfect but I would like to hear what Mr. Tavenner
13 said or what the prosecutor said and what the
14 Tribunal said.

15 MR. BLAKENEY: I will be glad to read it.
16 *Page 5 of the record:*

16 It is rather long. Page 17005 of the record.
17 "MR. TAVENNER: Mr. President, Members of
18 the Tribunal, in view of the statement just made
19 by counsel, I think it should appear on record for
20 whom and in whose behalf this opening statement is
21 made."
22

22 made." The statement just made by counsel, to
23 which he refers, is Mr. Logan's statement that the
24 accused reserve to themselves the right to present
25 their different views of the facts.

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1 THE PRESIDENT: So far there is no objection.
2 Read on; you may find one. I do not say
3 there is not; I cannot recall it.

4 MR. BLAKENEY: The President said: "I take
5 it to be the general opening statement on behalf of
6 all the accused, whatever differences of opinion
7 they may have."

8 There was then a discussion of which
9 defendants dissented, which brings us to page
10 17,007 of the record. I should have said 17,009.
11 I am omitting matter irrelevant to this issue.

12 On page 17,009:

13 "MR. TAVENNER: If it please the Tribunal,
14 I think we are entitled to know in whose behalf
15 this opening statement is being made."

16 THE PRESIDENT: Still a request for
17 information, not an objection. Go on.

18 MR. BLAKENEY: It is true that as yet I
19 have not seen the word "object."

20 THE PRESIDENT: No, because there was not
21 any, and you are not going to spell one out of that.

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1 MR. BLAKENEY: The President then called for
2 a list of the names of those dissenting and was given
3 it.

4 On page 17,010:

5 "THE PRESIDENT: Proceed to read the opening,
6 Doctor KIYOSE, but be careful to omit any arguments
7 already put to the Tribunal.

8 "MR. TAVENNER: The prosecution desires to
9 reserve the right to object to any phases of the open-
10 ing statement at the conclusion thereof should they be
11 advised it is proper to do so."

12 THE PRESIDENT: Of course, if you call a
13 witness in a general phase and he happens to say some-
14 thing prejudicial to one of the accused, to say it un-
15 expectedly, you must have a right to cross-examine him
16 under the circumstances, and the rules give it to you.

17 MR. BLAKENEY: Yes, I was coming to the rules
18 in a moment's time. I might say now that the Charter,
19 in Article 9(d), gives the unrestricted right to the
20 defendants to cross-examine all witnesses not only if
21 they unexpectedly say something against the interest of
22 the defendants, and I was--

23 THE PRESIDENT: But it is put very pointedly
24 to me that if you are right you could call in the
25 general phase a witness with whom twenty-four out of

1 twenty-five disagree.

2 MR. BLAKENEY: In considering this very
3 perplexing problem among ourselves, we have tried
4 to adopt a rule or practice of putting in evidence
5 only in cases when, let's say, all the defendants
6 agreed with as much as ninety-five per cent of the
7 evidence. We thought that was about the practical
8 limit. We had to recognize that these defendants,
9 many of whom have fought each other officially and
10 personally, would come to the point of differing
11 about the evidence to be adduced. In the present
12 case, for example, I think I am quite correct in
13 saying that the two defendants for whom Mr. Brannon
14 noted his reservation would agree to fully ninety or
15 ninety-five per cent of the content of this affidavit;
16 but the remaining five per cent thereof, to which all
17 other defendants so far as I know subscribe, represents
18 one of those fields of conflict of interests between
19 those two defendants and other defendants, and I want
20 the Tribunal to know that we have seen this problem,
21 we have considered it, and we have thought that in
22 the interests of efficiency and expedition it was far
23 better to present it in this way with the reservation
24 than to give the Tribunal an incomplete picture now
25 and require, perhaps, many defendants to adduce

1 similar evidence later. That was our intention. And
2 if I may say just another word. We went on the assumption
3 that the Tribunal, appreciating our difficulty in
4 this respect, had taken our view of the matter because
5 this has been presented, I think, as a reservation in
6 the opening statement of each phase prior to this one,
7 and I, personally, should have thought that the
8 supplementary rules concerning cross-examination
9 lately adopted by the Tribunal were designed to solve
10 or to get us out of this sort of dilemma.

11 THE PRESIDENT: When I explain the need for
12 such a rule you may show that it is wider than I
13 suggest.

14 MR. BLAKENEY: In view of the rather considerable
15 importance of this question, and since I
16 had only ten minutes to look it up, I wonder if the
17 Tribunal would hear another counsel who has indicated
18 that he would like to say a word on the subject. That
19 is all I have to say.

21 THE PRESIDENT: Perhaps that is all that can
22 be said. Has anybody else gone right to the record
23 and found something that you haven't told us, Major
24 Blakeney?

25 MR. BLAKENEY: I don't know. I went through
as much of the record as I could between a quarter of

1 three and three o'clock. That is all I know on
2 that subject.

3 THE PRESIDENT: Mr. Tavenner.

4 MR. TAVENNER: If the Tribunal please, in
5 regard to the incident mentioned by counsel where
6 the witness TANAKA was produced by the defense, the
7 question there raised by Mr. Freeman was not directed
8 at the possibility of impeaching the testimony in the
9 affidavit of the witness then being presented; so
10 that this did not arise on that occasion.

11 THE PRESIDENT: That is the only occasion.

12 MR. TAVENNER: What counsel did state on
13 that occasion was that he did not desire to be bound
14 by the testimony of this witness because he expected
15 to attack the credibility of the witness at a later
16 date, the witness having previously testified at
17 length in behalf of the prosecution. Counsel merely
18 did not join in calling that witness. That was the
19 only question involved there.

20 THE PRESIDENT: Nor did he cross-examine
21 or claim to do so, if I recollect rightly.

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1 MR. TAVENNER: There was nothing in that
2 witness' testimony as then being offered that he was
3 attempting to attack. The question now being pre-
4 sented was not involved at all in the inquiry made
5 with regard to the general opening statement by the
6 defense. Neither I nor my associates can recall any
instance in which the question has arisen.

The rules which were adopted by the Tribunal
8 were adopted pursuant to agreement between the defense
9 and the prosecution, and your Honor made it perfectly
10 clear that they were rules pursuant to agreement
11 between counsel and that the Tribunal would try them
12 out and if necessary change them. So in no sense, we
13 contend, is the Tribunal bound in any way by either
14 rules or previous decision, as far as we know, on this
15 question.

17 Now, there will be nothing saved in time by
18 the defense postponing testimony of this type to the
19 individual phase -- I mean, of course, to state that
20 there will be nothing lost in time. It is a spurious
21 argument to contend that each of the accused would have
22 to call the same witness and prove the same thing. If
23 the testimony is offered once, it can either be
24 adopted by an accused or rejected when he takes the
25 stand in a very simple manner. If the Tribunal is to

begin to hear evidence upon which there is a sharp
1 conflict between the accused, the general phases will
2 never end. I think for the prosecution's objection
3 to be sustained would shorten the general phase of
4 the case.

5 MR. BLAKENEY: May I say a word in reply,
6 your Honor?

7 THE PRESIDENT: Yes, Major Blakeney.

8 MR. BLAKENEY: Mr. Tavenner's argument about
9 lengthening the general phases indefinitely is, of
10 course, wholly specious. We are almost at the end
11 of the general phases and this is, according to him,
12 the second time that the matter has ever come up;
13 and so far as concerns any evidence that I am familiar
14 with it is the last time that it will come up, although
15 that is not a promise on my part.

16 Now, if it is the simple matter that
17 Mr. Tavenner says for evidence introduced in the defense
18 of an individual to be adopted or dissented from by
19 other individuals, it is equally simple now, and the
20 record will be utterly and unequivocally clear as to
21 who is and who is not disassociating himself from that
22 evidence.

23 In connection with Mr. Tavenner's statement of
24 what point was involved in the case of the witness

1 TANAKA, I merely say again without reading it again
2 that the record, on page 22,713, shows precisely the
3 case of reservation which we have here.

4 I understand that Mr. Levin would like to
5 say something concerning his clients' position in
6 relation to this witness.

7 THE PRESIDENT: Mr. Levin.

8 MR. LEVIN: Mr. President: I did not join
9 Mr. Brannon in his statement on behalf of my clients
10 SUZUKI and KAYA, although our position is the same
11 with reference to a portion of this affidavit as his
12 position, or, rather, the position of those whom he
13 represents. And while I am in thorough agreement
14 with everything that Mr. Blakeney stated, I want to
15 add further that the reason I did not make any state-
16 ment was because, under the rules, each defense counsel
17 had a right to examine directly or to cross-examine;
18 and having the right to cross-examine indicated, at
19 least by implication, that there was a disagreement
20 with either the testimony given by affidavit or given
21 orally by the witness. So it was our position that by
22 stating the dissent, either before the affidavit was
23 read and preserving the right to contradict the affi-
24 davit subsequently by oral testimony, or by cross-
25 examining the witness, there was a sufficient indication

1 of a disagreement with the statement or evidence given
2 by the witness; and I joined in those views.

3 THE PRESIDENT: The majority of the Tribunal
4 think that as this affidavit is contested by some of
5 the accused, it should not be read in the general
6 phase. Therefore, the objection is sustained. It
7 may be read on behalf of those individuals who support
8 it, subject, of course, to other objections that are
9 open.

10 Captain Brooks.

11 MR. BROOKS: In view of the Court's decision
12 just announced, I would like to ask permission to put
13 myself clear on the record that I did not think that
14 was the understanding we had had when these rules were
15 drafted and from the previous rulings when this point
16 had been brought up on the opening statements, and
17 there are certain affidavits and pieces of evidence
18 on the record which I do not agree are binding upon
19 my defendants and I want to go back and point those
20 out to the Court at a later time. There has been a
21 small percentage of evidence that has been inconsistent.
22 Sometimes it has been, as I have assumed, from the
23 period of time that has elapsed, making the witness'
24 memory fail him on certain points, but I thought it
25 would be cleared up later.

1 THE PRESIDENT: You must stand or fall with
2 the transcript, Mr. Brooks. There is no reason for
3 you to point out your position.

4 MR. BROOKS: Except that we were practically
5 at the end of the case and when a rule is coming into
6 effect which I have not understood and which, in
7 justice, if it had been announced at the early part
8 of this case, I would have made a lot of statements
9 and objections that would have taken a lot of time
10 in this court--

11 THE PRESIDENT: Just consider this, Captain
12 Brooks: You heard every word that was said in this
13 court affecting your client. If anything was said
14 prejudicial to your client or clients, did you cross-
15 examine?

16 MR. BROOKS: On occasion I have found the
17 witness -- I have talked with him before he was put
18 on the stand and found he would not change his state-
19 ment on that point, and there was no necessity of
cross-examining. I do not know whether I cross-
examined or not.

22 THE PRESIDENT: But on your own statement
23 you have not been prejudiced; you have no grievance.
24 You are making a formal, unnecessary protest and
25 wasting our time. The debate is closed.

1 MR. BROOKS: May I be heard in chambers on
2 this?

3 THE PRESIDENT: We will adjourn until half-
4 past nine tomorrow morning.

5 (Whereupon, at 1600, an adjournment
6 was taken until Friday, 15 August 1947, at
7 0930.)

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